



**REGULAR CITY COUNCIL MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
DECEMBER 8, 2015  
7:00 PM**

**INTRODUCTORY PROCEEDINGS**

Call to order

Open forum (15 minutes maximum)

***Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.***

Pledge of Allegiance

Approval of the minutes of the (1) Special City Council Worksession of November 24, 2015; (2) Regular City Council Meeting of November 24, 2015; and (3) Special City Council Meeting of December 1, 2015.

**PRESENTATIONS**

1. Richfield Foundation awarding of grants.
2. Presentation by VFW representatives of Patriot's Pen award.

**COUNCIL DISCUSSION**

3. Hats Off to Hometown Hits
  - Schedule City advisory commission interviews
  - Schedule annual City Council and staff goal setting worksession
  - Schedule meeting with local legislators

**AGENDA APPROVAL**

4. Approval of the agenda.
5. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
  - A. Consideration of the approval of a resolution allowing the acceptance of monetary donations received by the Police Department in support of Safety Day, Nite to Unite, Heroes and Helpers and the Bullet Proof Vest fund.

Staff Report No. 194
  - B. Consideration of the approval of the purchase of four 2016 Ford Police Interceptor vehicles for Public

Safety from Nelson Auto Center for \$111,707.80, plus tax, title, and license fees.

Staff Report No. 195

- C. Consideration of the approval of a resolution regarding site plan approval and variances to allow the partial demolition of an existing building and construction of an accessory parking lot at 6232 Lyndale Avenue.

Staff Report No. 196

- D. Consideration of the approval of a resolution authorizing acceptance of a grant for \$4,000 to the City of Richfield from the Statewide Health Improvement Program Grant (administered by Bloomington Public Health) for funding of a Bike Rack Cost Share Program.

Staff Report No. 197

- E. Consideration of the approval of a resolution appointing Raj Bhakta, Adam Selby, and Katie Haunz to the Richfield Tourism Promotion Board to each serve a three-year term ending December 31, 2018 or until a successor has been chosen, whichever is later.

Staff Report No. 198

- F. Consideration of the approval of the renewal of the 2016 licenses for On-Sale 3.2 Percent Malt Liquor, Off-Sale 3.2 Percent Malt Liquor and taxi companies doing business in Richfield.

Licenses to Operate in Richfield

Gold Star Taxi - 27 vehicles

10-10 Taxi - 10 vehicles

Airport Taxi - 6 vehicles

Licenses to sell 3.2 Percent Malt Liquor

Portland Food Mart - Off-Sale

Rainbow Foods - Off-Sale

Richfield Minnoco (Gas station 67th & Penn) - Off-Sale

Short Stop Supperette - Off-Sale

SuperAmerica #4186 - Off-Sale

SuperAmerica #4188 - Off-Sale

SuperAmerica #4191 - Off-Sale

SuperAmerica #4615 - Off-Sale

Target Corporation - Off-Sale

Sandy's Tavern - On-Sale

Vina Restaurant - On-Sale

Staff Report No. 199

6. Consideration of items, if any, removed from Consent Calendar

**PUBLIC HEARINGS**

7. Public hearing for the consideration of the renewal of 2016 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc., 7529 Lyndale Avenue South.

Staff Report No. 200

8. Public hearing for the consideration of the renewal of 2016 Pawnbroker and Secondhand Goods Dealer licenses for University Cash Company, Inc., d/b/a Avi's Pawn & Jewelry, 6414 Nicollet Avenue South.

Staff Report No. 201

9. Public hearing for the consideration of the renewal of 2016 Club On-Sale Intoxicating and Sunday Liquor licenses for Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink, 6715 Lakeshore Drive.

Staff Report No. 202

10. Public hearing for the consideration of the renewal of the 2016 Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South.

Staff Report No. 203

11. Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Chipotle Mexican Grill of Colorado, LLC, d/b/a Chipotle Mexican Grill, 7644 Lyndale Avenue South.

Staff Report No. 204

12. Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Patrick's French Bakery, Inc., d/b/a Patrick's Bakery & Cafe, 2928 66th Street West.

Staff Report No. 205

13. Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant, 7545 Lyndale Avenue South.  
Staff Report No. 206
14. Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for The Noodle Shop, Co. - Colorado, Inc. d/b/a Noodles & Company, 1732 66th Street East.  
Staff Report No. 207
15. Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for The Noodle Shop, Co. - Colorado, Inc. d/b/a Noodles & Company, 7630 Lyndale Avenue South.  
Staff Report No. 208
16. Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Henry Thou, d/b/a Red Pepper Chinese Restaurant, 2910 66th Street West.  
Staff Report No. 209
17. Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Davanni's, Inc. d/b/a Davanni's Pizza and Hot Hoagies, 6345 Penn Avenue South.  
Staff Report No. 210
18. Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for My Burger Operations, LLC d/b/a My Burger, 6555 Lyndale Avenue South.  
Staff Report No. 211
19. Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for Frenchman's Pub, Inc. d/b/a Frenchman's, 1400 66th Street East.  
Staff Report No. 212
20. Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses with outside service, for Thompson's Fireside Pizza, Inc., d/b/a Fireside Foundry, 6736 Penn Avenue South.  
Staff Report No. 213
21. Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for Paisan Incorporated, d/b/a Khan's Mongolian Barbeque, 500 78th Street East.  
Staff Report No. 214
22. Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with outside service, and with the optional 2 a.m. closing, for Pizza Luce VII, Inc., d/b/a Pizza Luce, 800 66th Street West.  
Staff Report No. 215
23. Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with the optional 2 a.m. closing and outside service, for Last Call Operating Co. II, Inc., d/b/a Champps Americana, 790 West 66th Street.  
Staff Report No. 216
24. Public hearing regarding the approval of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for GM Richfield, LLC, d/b/a Four Points by Sheraton Minneapolis Airport, 7745 Lyndale Avenue South.  
Staff Report No. 217
25. Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with outside service, for Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, 6601 Lyndale Avenue South.  
Staff Report No. 218
26. Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for El Tejaban Mexican Restaurant, LLC d/b/a El Tejaban Mexican Grill, 6519 Nicollet Avenue South.  
Staff Report No. 219
27. Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for Don Pablo's Operating, LLC, d/b/a Don Pablo's, 980 78th Street West.  
Staff Report No. 220
28. Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for Lyn 65, LLC, d/b/a Lyn 65 Kitchen & Bar, 6439 Lyndale Avenue South.

Staff Report No. 221

29. Public hearing regarding an application for a noise ordinance variance to the Metropolitan Council to allow operation of temporary conveyance systems and cured-in-place pipe (CIPP) liner curing equipment during overnight hours related to the 66th Street reconstruction project.

Staff Report No. 222

### **PROPOSED ORDINANCES**

30. Consideration of the second reading of an ordinance creating a new city code section requiring permits for motion picture and commercial photography events and adopting a resolution approving summary publication of the ordinance.

Staff Report No. 223

31. Consideration of the second reading of an ordinance amending Section 305 of the City Code to codify requirements pertaining to city commissions, the adoption of a resolution approving summary publication of the ordinance and the adoption of a resolution repealing Resolutions 7718, 7983, 8344, 8142, 8933, and 9282 and directing city commissions to amend their respective bylaws to be in compliance with the new city code requirements.

Staff Report No. 224

32. Consideration of the second reading of an ordinance authorizing the conveyance of property owned by the City of Richfield to the Richfield Housing and Redevelopment Authority.

Staff Report No. 225

### **RESOLUTIONS**

33. Consideration of a Right-of-Way Agreement with Hennepin County for the 66th Street Reconstruction Project.

Staff Report No. 226

34. Consideration of the adoption of resolution supporting an additional median design for 66th Street at James Avenue.

Staff Report No. 227

35. Consideration of the resolutions approving the 2015 Revised/2016 Proposed budget and tax levy and related resolutions.

Staff Report No. 228

### **CITY MANAGER'S REPORT**

36. City Manager's Report

### **CLAIMS AND PAYROLLS**

37. Claims and payrolls

Open forum (15 minutes maximum)

***Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.***

38. Adjournment

**Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.**





**CITY COUNCIL MINUTES**  
Richfield, Minnesota  
**Special City Council Worksession**  
**November 24, 2015**

**CALL TO ORDER**

The meeting was called to order by Mayor Goettel at 5:45 p.m. in the Bartholomew Room.

*Council Members Present:* Debbie Goettel, Mayor; Pat Elliott; Edwina Garcia; Tom Fitzhenry; and Michael Howard

*Staff Present:* Steven L. Devich, City Manager; Kristin Asher, Public Works Director; Pam Dmytrenko, Assistant City Manager/HR Manager; Jeff Pearson, City Engineer; Mary Tietjen, City Attorney; and Cheryl Krumholz, Executive Coordinator.

<b>Item #1</b>	<b>UPDATE REGARDING 66<sup>TH</sup> STREET MEDIAN DESIGN (COUNCIL MEMO NO. 101)</b>
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City Engineer Pearson discussed the results of the resident outreach efforts through Richfield Connect and a public open house held on November 19, 2015 on the proposal to close medians along the 66<sup>th</sup> Street Corridor.

Mr. Pearson reviewed the recommended options for consideration:

- Option A – full medians at Morgan Avenue, Knox Avenue, James Avenue & 2<sup>nd</sup> Avenue.
- Option B – West Only – full medians at Morgan, Knox and James Avenues
- Option C – enhanced park access; full median at James Avenue
- Option D – no change; full medians at previously approved location

The City Council consensus was to have Hennepin County move forward with Option C.

<b>Item #2</b>	<b>DISCUSSION REGARDING STEVENS AVENUE STORM (COUNCIL MEMO NO. 101)</b>
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Maury Hooper, Hennepin County, discussed two options to address the storm water capacity issues at Stevens Avenue and 66<sup>th</sup> Street.

- Option A – gravity system to Milner Pond. Because of the large hill between the drainage area and the pond, the pipe would have to be bored which would be a significant cost.
- Option B – acquisition of one property from a willing seller, a dry holding pond and the most economical.

Mr. Hooper stated Hennepin County recommends proceeding with Option B from a cost standpoint.

The City Council consensus was to proceed with Option B.

<b>Item #3</b>	<b>DISCUSSION REGARDING STANDARD PROCEDURES FOR CITY COMMISSIONS (COUNCIL MEMO NO. 98)</b>
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Assistant City Manager/HRA Manager Dmytrenko and City Attorney Tietjen presented proposed changes to City Code, Section 305, Commissions; Board. Several substantive and housekeeping changes were recommended in order to provide more clear, simplified and standard procedures governing commissions.

Mayor Goettel commented that commissions should be expanded to include youth members, feedback from the commissions should be obtained regarding attendance requirements, and recruiting only two times per year may be a concern for some commissions.

Ms. Dmytrenko explained the City Council could direct commissions to include youth members.

Council Member Howard expressed concern that the 75% attendance requirement may be a deterrent to some individuals and suggested lower the threshold and mitigate for extenuating circumstances.

Council Member Fitzhenry suggested removing the word 'automatically' for removal from the commission because excused and unexcused absences should be considered. He added it should be the City Council's discretion regarding removal of a Commissioner.

Ms. Dmytrenko stated the ordinance is scheduled for first reading at tonight's Regular City Council Meeting and the ordinance would be amended with the suggested changes for the second reading on December 8, 2015.

<b>ADJOURNMENT</b>
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The meeting was adjourned by unanimous consent at 6:50 p.m.

Date Approved: December 8, 2015

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Debbie Goettel  
Mayor

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Cheryl Krumholz  
Executive Coordinator

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Steven L. Devich  
City Manager



# CITY COUNCIL MEETING MINUTES

## Richfield, Minnesota

### Regular Meeting

**November 24, 2015**

#### CALL TO ORDER

The meeting was called to order by Mayor Goettel at 7:00 p.m. in the Council Chambers.

*Council Members Present:*

Debbie Goettel, Mayor; Edwina Garcia, Tom Fitzhenry; Pat Elliott; and Michael Howard.

*Staff Present:*

Steven L. Devich, City Manager; John Stark, Community Development Director; Kristin Asher, Public Works Director; Jay Henthorne, Public Safety Director/Police Chief; Jim Topitzhofer, Recreation Services Director; Mary Tietjen, City Attorney; and Cheryl Krumholz, Executive Coordinator.

#### OPEN FORUM

The following individuals expressed their concerns regarding the lack of Section 8 and Group Residential Housing resulting from the renovations and transition at Crossroads at Penn to Concierge Apartments:

Linda Soderstrom, 7720 Penn Avenue, C-322  
Craig Goodwin, 7720 Penn Avenue  
Darlene Fisher, 7700 Penn Avenue, 1-101  
Aurora Suarez, 9000 Nicollet Avenue  
Donna Goodwin, 7720 Penn Avenue, 126C  
Lisa Brown, 7610 Penn Avenue  
Vicky Hernandez, 7720 Penn Avenue, #2  
Claire Lee, address not given.  
Emilia Gonzalez Avalos, 2915 West 70½ Street  
Evan Lee-Ferrand, (interpreter), 3117 Holmes Avenue South, #1

Jim Soderberg, 6401 Camden Avenue, Brooklyn Center, MN, Concierge Apartments, addressed and clarified the concerns expressed by the residents.

Council Member Garcia addressed the audience in Spanish.

Mayor Goettel explained there was little the City could do because of state and federal law regulations. She requested Mr. Soderberg provide future communications in English and Spanish and that there be a reprieve of turning off the water and gas for this upcoming holiday. She requested social service agencies be invited to come to the Concierge office to meet and talk with residents.

Council Member Howard stated the City wants to be part of the solution and encouraged residents to contact the City to assist with housing options.

Council Member Fitzhenry encouraged continued dialogue.

Council Member Elliott stated he wished there was more the City could do.

Mr. Soderberg agreed to the request regarding communication and the water/gas turn-off for the holiday. He stated he is working with Section 8 housing staff at the City. He added that he needs to consider legal requirements regarding income and disability related to housing.

Community Development Director Stark explained the role of the City including building permits, Section 8 housing voucher program, and advocating for housing affordability.

City Manager Devich stated the City administers the Section 8 voucher program and Hennepin County administers the Group Residential Housing program.

Council Member Howard suggested a Resource Fair be held on the site.

<b>PLEDGE OF ALLEGIANCE</b>
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Mayor Goettel led the audience in the Pledge of Allegiance.

<b>APPROVAL OF MINUTES</b>
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M/Fitzhenry, S/Elliott to approve the minutes of the Regular City Council Meeting of November 10, 2015.

Motion carried 5-0.

<b>Item #1</b>	<b>ANNUAL MEETING WITH THE CIVIL SERVICE COMMISSION</b>
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Steven Hurvitz, President, presented the annual report.

<b>Item #2</b>	<b>ANNUAL MEETING WITH THE TRANSPORTATION COMMISSION</b>
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Ted Weidenbach, Chair, presented the annual report.

<b>Item #3</b>	<b>ANNUAL MEETING WITH THE COMMUNITY SERVICES COMMISSION</b>
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Jim Topitzhofer, on behalf of Reed Bornholdt, Chair, presented the annual report.

<b>Item #4</b>	<b>COUNCIL DISCUSSION</b> <ul style="list-style-type: none"><li>Hats Off to Hometown Hits</li></ul>
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Council Member Fitzhenry provided an update on the Noise Oversight Committee.

Mayor Goettel discussed the VFW's Patriot's Pen program.

Mayor Goettel stated the Mom's Club is interested in meeting with the Recreation Services Director to discuss indoor play options during the winter.

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<b>Item #5</b>	<b>COUNCIL APPROVAL OF AGENDA</b>
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M/Garcia, S/Fitzhenry to approve the agenda.

Motion carried 5-0.

<b>Item #5</b>	<b>CONSENT CALENDAR</b>
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- A. Consideration of the approval of a first reading of an ordinance amending Section 305 of the City Code to codify requirements pertaining to city commissions S.R. No. 186
- B. Consideration of the approval of the first reading of an ordinance creating a new city code section requiring permits for motion picture and commercial photography events S.R. No. 187
- C. Consideration of the approval of a contract with Graymont (WI), LLC for the purchase of 1,400 tons of quick lime in the amount of \$233,212.00 for water treatment in 2016 S.R. No. 188
- D. Consideration of the approval of a resolution authorizing execution of MnDOT Agreement No. 1001613 between the Minnesota Department of Transportation and the City of Richfield for traffic control maintenance of three traffic signals on 76th Street at Trunk Highway No. 35W S.R. No. 189

RESOLUTION NO. 11142

RESOLUTION AUTHORIZING APPROVAL OF MNDOT AGREEMENT NO. 1001613  
BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE  
CITY OF RICHFIELD FOR TRAFFIC CONTROL SIGNAL MAINTENANCE

This resolution appears as Resolution No. 11142.

- E. Consideration of the approval of the continuation of the agreement with the City of Bloomington for the provision of food inspection services for Richfield for the year 2016 S.R. No. 190
- F. Consideration of approval of the 2015-2016 contract with the City of Bloomington, using public health emergency preparedness grant funds distributed by a federal grant from the Centers for Disease Control, to provide services in the area of public health emergency preparedness/Bioterrorism and the development of a response system S.R. No. 191
- G. Consideration of the approval of the amendment to the City of Richfield's 2012-2015 Municipal Recycling Grant application and agreement with Hennepin County S.R. No. 192

M/Goettel, S/Elliott to approve the Consent Calendar.

Motion carried 5-0.

<b>Item #7</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR</b>
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None.

<b>Item #8</b>	<b>CITY MANAGER'S REPORT</b>
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City Manager Devich reported on the following:

- Metropolitan Council's Project on rehabilitating their regional sewer line long 66<sup>th</sup> Street from Humboldt to 11<sup>th</sup> Avenues.
- Portland Avenue will open tomorrow, Wednesday, November 25, 2105
- Update regarding the 77<sup>th</sup> Street Underpass consultant, WSB & Associates, alternatives analysis

<b>Item #9</b>	<b>CLAIMS AND PAYROLLS</b>
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M/Fitzhenry, S/Howard that the following claims and payrolls be approved:

<b>U.S. Bank</b>		<b>11/24/15</b>
A/P Checks: 245645-245961	\$	2,584,591.62
Payroll: 114804-115129	\$	<u>575,750.83</u>
TOTAL	\$	3,160,342.45

Motion carried 5-0.

<b>OPEN FORUM</b>
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None.

<b>Item #10</b>	<b>ADJOURNMENT</b>
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The City Council Meeting was adjourned by unanimous consent at 8:57 p.m.

Date Approved: November 24, 2015

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Debbie Goettel  
Mayor

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Cheryl Krumholz  
Executive Coordinator

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Steven L. Devich  
City Manager



# CITY COUNCIL MEETING MINUTES

## Richfield, Minnesota

### Special City Council Meeting

**December 1, 2015**

#### CALL TO ORDER

The meeting was called to order by Mayor Goettel at 6:00 p.m.

#### ROLL CALL

*Council Members Present:*

Debbie Goettel, Mayor; Pat Elliott; Edwina Garcia; Tom Fitzhenry; and Michael Howard.

*Staff Present:*

Steven L. Devich, City Manager; Kristin Asher, Public Works Director; Jim Topitzhofer, Recreation Services Director; Wayne Kewitsch, Fire Services Director/Chief; Bill Fillmore, Municipal Liquor Operations Director; Jay Henthorne, Public Safety Director/Chief; Chris Regis, Finance Manager; and Cheryl Krumholz, Executive Coordinator.

<b>Item #1</b>	<b>TRUTH IN TAXATION PUBLIC HEARING REGARDING 2016 PROPERTY TAX LEVY AND 2015 REVISED/2016 PROPOSED BUDGET AND PROPOSED 2016 WATER, WASTEWATER AND STORM SEWER UTILITY RATES (STAFF REPORT NO. 217)</b>
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City Manager Devich explained the Truth in Taxation (TNT) notices received from Hennepin County do not include the impact of the two passed Richfield School District referendum levies. The notices, prepared before the results of the referenda were known, do indicate the school taxes may increase based on the outcome of the referenda.

Finance Manager Regis presented an overview of the proposed budget and tax levy.

M/Fitzhenry, S/Goettel to close the public hearing.

Motion carried 5-0.

#### ADJOURNMENT

The City Council meeting was adjourned by unanimous consent at 6:21 p.m.

Date Approved: December 8, 2015

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Debbie Goettel, Mayor

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Cheryl Krumholz  
Executive Coordinator

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Steven L. Devich  
City Manager





**STAFF REPORT NO. 194**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Jay Henthorne, Director of Public Safety/Chief of Police

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution allowing the acceptance of monetary donations received by the Police Department in support of Safety Day, Nite to Unite, Heroes and Helpers and the Bullet Proof Vest fund.**

**EXECUTIVE SUMMARY:**

Throughout the year, donations are received from various agencies, businesses and private individuals to be used for special events or programs sponsored by the Police Department. These donations are solicited by the department and used for programs and events such as Safety Day, Nite to Unite, Heroes and Helpers and the Bullet Proof Vest fund.

**RECOMMENDED ACTION:**

**By Motion: Approve a resolution allowing the acceptance of monetary donations solicited for the Police Department in support of Safety Day, Nite to Unite and Heroes and Helpers and unsolicited donations to the Bullet Proof Vest fund.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

The Police Department holds several annual events that require outside funding to occur. Staff members solicit donations from businesses and individuals to support these programs. Additionally, unsolicited donations to the Bullet Proof Vest are occasionally received from donors.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- Minnesota Statute 465.03 requires that every acceptance of a grant or device of real or personal property on terms prescribed by the donor be made by resolution of more than two-thirds majority of the City Council.
- The Administrative Services Department issued a memo on November 9, 2004, requiring all grants and restricted donations to departments be received by resolution of more than two thirds majority of the City Council in accordance with Minnesota Statute 465.03.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- Financial donations have been deposited and credited to the accounts supporting the designated programs.
- All of the donations were given without obligation to provide any additional matching funds.

**E. LEGAL CONSIDERATION:**

There are no legal considerations.

**ALTERNATIVE RECOMMENDATION(S):**

Council could disapprove the acceptance of the donations for the events. The City would then have to return the funds to the issuing agency/business or individual.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description		Type
□	Resolution for 2015 Donations	Resolution Letter
□	List of Donations for 2015	Backup Material

## RESOLUTION NO.

### RESOLUTION AUTHORIZING RICHFIELD PUBLIC SAFETY/POLICE DEPARTMENT TO ACCEPT DONATIONS FROM THE LISTED AGENCIES, BUSINESSES AND PRIVATE INDIVIDUALS FOR DESIGNATED USES

**WHEREAS**, the Department of Public Safety/Police Division, through its Director, received checks from the following for Safety Day, Heroes and Helpers and Bullet Proof Vests:

#### **Safety Day & Nite to Unite:**

<b>DONOR</b>	<b>AMOUNT</b>
AAA Mpls Auto Club Foundation for Safety	\$750.00
Richfield Bloomington Credit Union	\$750.00
Best Buy	\$250.00
Richfield Rotary	\$500.00
Richfield American Legion #435	\$50.00
Richfield Lions Club	\$3,000.00
Richfield R.E.A.D.Y	\$200.00
Target	\$250.00

#### **Bullet Proof Vests:**

<b>DONOR</b>	<b>AMOUNT</b>
Mpls/Richfield American Legion Post #435 Auxillary	\$50.00

#### **Heroes & Helpers:**

<b>DONOR</b>	<b>AMOUNT</b>
Target	\$1,475.20
Jennifer C. Whigham	\$50.00
Richfield R.E.A.D.Y	\$500.00
Martin Costello	\$150.00
Donna J. Williams/Kristi Woodbury	\$150.00
Richfield Police Federation	\$200.00
Richfield Police Supervisory Association	\$200.00
Mark J. Polkar/Lisalan Thai	\$300.00
James & Kristin Kaiser	\$150.00
Phuoc Tran	\$150.00

**WHEREAS**, Minnesota Statute requires every acceptance of a grant or devise of real or personal property on terms prescribed by the donor be made by resolution of more than two-thirds majority of the City Council; and,

**WHEREAS**, the donated funds will be used towards the designated programs sponsored by Richfield Police.

**NOW, THEREFORE, BE IT RESOLVED** that the Director of Public Safety/Chief of Police will accept the donations to be placed in the accounts as specified.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December, 2015.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

## **DONATIONS:**

### **Safety Day & Nite to Unite:**

<b>DONOR</b>	<b>AMOUNT</b>
AAA Mpls Auto Club Foundation for Safety	\$750.00
Richfield Bloomington Credit Union	\$750.00
Best Buy	\$250.00
Richfield Rotary	\$500.00
Richfield American Legion #435	\$50.00
Richfield Lions Club	\$3,000.00
Richfield R.E.A.D.Y	\$200.00
Target	\$250.00

### **Bullet Proof Vests:**

<b>DONOR</b>	<b>AMOUNT</b>
Mpls/Richfield American Legion Post #435 Auxillary	\$50.00

### **Heroes & Helpers:**

<b>DONOR</b>	<b>AMOUNT</b>
Target	\$1,475.20
Jennifer C. Whigham	\$50.00
Richfield R.E.A.D.Y	\$500.00
Martin Costello	\$150.00
Donna J. Williams/Kristi Woodbury	\$150.00
Richfield Police Federation	\$200.00
Richfield Police Supervisory Association	\$200.00
Mark J. Polkar/Lisalan Thai	\$300.00
James & Kristin Kaiser	\$150.00
Phuoc Tran	\$150.00



**STAFF REPORT NO. 195**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
12/1/2015

OTHER DEPARTMENT REVIEW: Jay Henthorne, Public Safety Director

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of the purchase of four 2016 Ford Police Interceptor vehicles for Public Safety from Nelson Auto Center for \$111,707.80, plus tax, title, and license fees.**

**EXECUTIVE SUMMARY:**

Four Public Safety Department Interceptor vehicles are scheduled to be replaced in 2016. These vehicles are replaced every three years due to:

- Average mileage of 75,000 miles
- Significant engine idle time over the three year life

The vehicles that are replaced are rotated into use as administrative vehicles used by the following Divisions:

- Inspections
- Engineering
- Utilities
- Forestry
- Recreation

After these vehicles have been utilized by the above Divisions they are then sold at auction.

**RECOMMENDED ACTION:**

**By Motion: Approve a purchase order for four 2016 Ford Police Interceptor vehicles for Public Safety from Nelson Auto Center for \$111,707.80, plus tax, title, and license fees.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- Police Interceptor vehicles are replaced every three years.
- The more traditional squad cars are being replaced with SUVs. These vehicles are more accommodating for officers and police equipment.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- The City of Richfield participates in the Minnesota State Cooperative Purchasing Program.
- Nelson Auto Center is included in the Minnesota State Cooperative Purchasing Program.

**C. CRITICAL TIMING ISSUES:**

- The order deadline for 2016 models is January 30, 2016.

**D. FINANCIAL IMPACT:**

- The purchase of the Police Interceptors is identified in the approved 2015R-2016P Central Garage budget (61000-7500).
- Additional funds from the Central Garage budget will be used to outfit the vehicles with additional necessary equipment such as:
  - light bars
  - radios
  - cameras

**E. LEGAL CONSIDERATION:**

When the purchase of materials, merchandise, equipment, or construction exceeds \$100,000, authority to purchase shall be submitted to the City Council for consideration.

**ALTERNATIVE RECOMMENDATION(S):**

- Council may delay approval to a later meeting; however, delayed approval will result in delayed delivery.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None



**STAFF REPORT NO. 196**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
12/1/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution regarding site plan approval and variances to allow the partial demolition of an existing building and construction of an accessory parking lot at 6232 Lyndale Avenue.**

**EXECUTIVE SUMMARY:**

The building at 6232 Lyndale Avenue has been vacant since June of this year when the building was purchased by Contract Collection Systems and vacated by Nelvin's Paint and Body Shop. The site had been approved for and used as an auto body and paint shop since 1964. The use was approved with three parking stalls immediately in front of the building; these stalls extended into the public right-of-way. No outside storage of vehicles as permitted, including on the adjacent land to the north, which at the time of approval was part of another parcel that has been removed for construction of Highways 62 and 35W. This parcel is the second-smallest commercial property in the City. The only smaller parcel is home to the seasonal Dairy Queen at 66th Street and Nicollet Avenue.

The new property owner would like to lease the building for something other than auto body and paint work.

In order to change the use of the building, the applicant must meet or approach current Code requirements for the new use. This includes removing all parking from public right-of-way. The applicant and City have explored a variety of options. Ownership of the remnant land to the north is to be transferred from MnDOT to the City. When this occurs, the City would be willing to consider leasing the area to the property owner for additional parking area; however, this process has been very slow and staff is unable to estimate when this transfer will occur. In the meantime, the applicant is proposing to reduce the footprint of the building and to provide three legal parking spaces in front and one stall behind the building in order to lease the building for office or service use. With a credit for transit proximity, the minimum parking requirement for an office of this size is six stalls. The applicant is requesting a variance for approval with only four stalls.

While redevelopment of this entire block would be ideal, staff is supportive of the proposed site plan and requested parking variance because it improves upon current conditions. Specifically, the reduced building size and placement of large planters along Lyndale Avenue will improve a dangerous situation in which parked cars hang over into the public right-of-way and utilize the sidewalk as part of the drive aisle to exit via the property to the south. As a condition of the requested variance from parking minimums, staff has discussed with the applicant a stipulation that limits use of the building to low-intensity service and office uses such as insurance, chiropractic care, acupuncture or similar uses. Staff also recommends a stipulation that allows an



administrative modification to this approval should the lot to the north become available for additional parking. The Planning Commission recommended approval of the requests on November 23, 2015.

### **RECOMMENDED ACTION:**

**By motion: Approve the resolution granting approval of the proposed site plan and variances for modifications to the existing building and lot at 6232 Lyndale Avenue.**

### **BASIS OF RECOMMENDATION:**

#### **A. HISTORICAL CONTEXT**

See Executive Summary

#### **B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

The General Business (C-2) District allows for a wide variety of retail and service businesses. Site plan approval is required prior to the construction or alteration of any building in the City.

#### **General Requirements**

The proposed building reduction and site modifications will improve upon existing dangerous conditions, while allowing for reuse and aesthetic improvements to a very difficult site. The applicant is requesting a variance from minimum parking requirements and parking lot setbacks. All other existing conditions that do not meet current Code requirements will either be brought up to Code (e.g. stormwater) or are considered legally nonconforming and may continue.

#### **Variances Requested:** Required (R), Proposed (P)

- Minimum parking setback (R: 15 ft.; P: 0-1.5 ft.)
  - A parking stall cannot be accommodated behind the building without setback variances. Staff feels that this additional stall is necessary for reuse of the building and that the addition of this striped stall will, in reality, not change the existing condition. A fence and curb will be added along the rear property line to further screen and protect the adjacent residential parcel. Additionally, parking lots are required to be a minimum of three feet from adjacent right-of-way or five feet from adjacent commercial property. The setback along the northern property line has been reduced to zero. While designated right-of-way, it is anticipated that this land will either remain vacant or eventually become a contiguous parking lot, making the setback unnecessary.
- Off-Street Parking (R: 6 stalls; P: 4 stalls)
  - With a reduction for proximity to frequently-operating transit, Code requires 6 parking stalls for a 1,760 sq.ft. office. In the future, additional parking may be available on the remnant parcel to the north. For the time being, staff is supportive of a variance due to the narrowness of the lot, so long as the uses are limited to those with very low parking needs. Staff recommends allowances for an administrative approval of either more intense office use or retail use should parking to the north become available.

Additional information related to the requested variances and required findings can be found in the attached document.

#### **General Criteria for Site Plan Evaluation**

In evaluating a site plan, the Planning Commission and City Council shall consider its compliance with the following criteria which are discussed more fully in the attached requirements document:

- Consistency with the various elements and objectives of the City's Comprehensive Plan.
- Consistency with the purposes of the City Code.
- Consistency and harmony with the general appearance of neighboring developed areas and open spaces.
- An internal sense of order and provision of a desirable environment.
- Appropriateness of the amount and arrangement of open space and landscaping, the building materials, textures and colors.

- Adequacy of circulation and parking for all modes of transport.
- Use of energy-conserving design.
- Protection of adjacent and neighboring properties from negative environmental impacts.

This site is identified for Community Commercial use in the Comprehensive Plan and is one of the first properties that people see when entering Richfield from either the Crosstown or Minneapolis. The site has major challenges: the building essentially extends from property line to property line, the only access to the rear of the property is through the overhead doors within the building, existing parking is within the City's right-of-way, etc. While staff would prefer to see wholesale redevelopment of this block, the potential for this with only a half-block of depth is limited - as is evident in other commercial corridors throughout the City. The Comprehensive Plan identifies the need for improving gateways to the Community - creating a visual means of welcoming people to Richfield. Investment and improvement of this property will help to strengthen what was begun with the installation of the Richfield monument sign just to the north.

Other criteria listed are improved, if not completely met (e.g. circulation, parking). In addition to the usual stipulations of approval, staff proposes the following additions to the resolution:

- A survey must be provided prior to the issuance of any permits.
- A cross access agreement with the property to the south (6234 Lyndale Avenue) must be recorded.
- Stormwater corrections required by the Public Works Department must be made.
- Uses shall be limited to very low intensity businesses.
- If the remnant parcel to the north becomes available for additional parking, staff shall be authorized to approve an amendment allowing for general commercial/business uses.

**C. CRITICAL TIMING ISSUES:**

60-DAY RULE: The 60-day clock 'started' when a complete application was received on November 9, 2015. A decision is required by *January 8, 2016* OR the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

**D. FINANCIAL IMPACT:**

None

**E. LEGAL CONSIDERATION:**

- A public hearing was also held before the Planning Commission on November 23, 2015 .
- Notice of the required public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site.
- No members of the public spoke before the Planning Commission.
- The Planning Commission recommended approval of the requests.

**ALTERNATIVE RECOMMENDATION(S):**

- Approve the attached resolution with modifications.
- Deny the requests with findings that requirements are not met.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Dean Trongard - owner representative Michael Monn - architect

**ATTACHMENTS:**

Description	Type
□ Resolution 6232	Resolution Letter
□ Requirements document	Backup Material
□ Proposed plans	Exhibit
□ Planning & Zoning Maps	Exhibit

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION GRANTING APPROVAL  
OF A SITE PLAN  
AND VARIANCES AT  
6232 LYNDAL AVE**

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of site plans for an office/service building as described in Council Staff Report No. \_\_\_\_\_ on the parcel of land located at 6232 Lyndale Avenue (the "Property"), legally described as:

THE NORTH ½ OF LOT 3, BLOCK 1, FALLDEN'S ADDITION, HENNEPIN COUNTY, MINNESOTA

**WHEREAS**, the proposed site plan is for a lot that is approximately 37.5 feet wide and 4,687.5 square feet in area; and

**WHEREAS**, the proposed site plan allows for parking lot setbacks of 0 – 1.5 feet; and

**WHEREAS**, the City Code requires a minimum parking lot setback of 15 feet from Residential property and 3 feet from right-of-way; and

**WHEREAS**, the proposed site plan includes space for the parking of 4 vehicles; and

**WHEREAS**, the City Code requires a minimum 6 stalls for a 1,760 square foot office; and

**WHEREAS**, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where their enforcement would cause "practical difficulty" to the owners of the property under consideration; and

**WHEREAS**, based on the findings below, the Richfield City Council approves the requested variances from Richfield City Code Subsections 534.11, Subdivisions 1; 534.11, Subd. 6; and 544.13, Subd. 6; and

**WHEREAS**, the City has fully considered the request for approval for the site plan with variances; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota, as follows:

1. The City Council makes the following general findings:

- a. The Property is zoned General Business.
  - b. Office and service uses are permitted in the General Business District.
  - c. The site and building are existing, and have been used for automobile repair and painting since 1964.
  - d. The site is the second smallest commercially zoned property in the City.
  - e. Reuse of this building on this site in any fashion will require variances.
  - f. Code states that the minimum parking lot setback from adjacent single-family residential property is 15 feet. A variance from Subsection 534.11, Subd. 1 is required.
  - g. Code states that the minimum parking lot setback adjacent to right-of-way can be reduced to three feet in cases where modifications are being made to an existing lot. A variance from Subsection 534.11, Subd. 6 is required.
  - h. Code states that the minimum required parking for a 1,760 square foot office is 6 spaces. The proposed site plan includes 4 parking stalls. A variance from Subsection 544.13, Subd. 6 is required.
2. With respect to the application for variances from the above-listed requirements, the City Council makes the following findings:
  - a. Strict enforcement of the Richfield Zoning Code Subsections listed above would cause a practical difficulty. The existing property cannot be used in any fashion without variances; only site assembly could alleviate all issues. The proposal can be adequately accommodated with the proposed conditions to limit the intensity of the permitted businesses.
  - b. Unique circumstances affect the Property that were not created by the land owner. The existing lot was created and building constructed prior to the adoption of current Codes. These circumstances were not created by the land owner.
  - c. Granting the requested variances will not alter the essential character of the neighborhood. The requested variances will allow the reuse and improvement of a challenging site and building. The improvements proposed will benefit the surrounding neighborhood by improving the parking and pedestrian conditions as well as the aesthetics of the site.
  - d. The variances requested are the minimum necessary to alleviate the practical difficulty. The proposed variances are the minimum necessary to reuse this property.
  - e. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan. The proposed variance will allow reuse and improvement of a building on a significantly constrained site.
3. With respect to the proposed site plan, the City Council finds that it will adequately serve the purpose for which it is proposed and will not have adverse effect upon the public safety or general welfare.
4. Based upon the above findings, variances to the above-specified requirements are hereby approved.

5. Based upon the above findings and variances, the proposed site plan is hereby approved according to the terms of Richfield City Code Subsection 547.13 with the following additional stipulations:
- a) A survey and revised site plan are required prior to the issuance of any permits.
  - b) Parking must be striped in accordance with the approved plan and all parking stalls must be accessible year-round.
  - c) A cross access agreement with the property located at 6234 Lyndale Avenue is required and must be recorded prior to occupancy. Proof of recording must be provided to the City.
  - d) Uses are limited to low-intensity service and office uses such as insurance, chiropractic care, acupuncture or similar uses approved by the Community Development Director.
  - e) If and when additional off-site parking becomes available, the Community Development Director or designee is authorized to consider an administrative amendment to this approval which would allow additional uses with greater demand for parking. Off-site parking areas must meet minimum City design standards in order to be considered and counted toward parking requirements.
  - f) Building permits shall not be issued until stormwater plans have been submitted to and approved by the Public Works Department.
  - g) Required planters in front of the building must be continuously maintained and include live plant materials during the spring, summer, fall and décor during the winter months.
  - h) All trash must be stored inside the building.
  - i) The applicant is responsible for any necessary environmental remediation on the site in order to protect adjacent and neighboring properties from negative environmental impacts. Any plans for necessary environmental remediation must be approved by the Community Development Director (or designee) and/or any State of Minnesota or other appropriate government agency having jurisdiction.
  - j) The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated November 5, 2015, and compliance with all other City and State regulations. Permits are required prior to commencement of any work;
  - k) That the recipient of this approval record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.11, Subd. 7. Proof of recording is required prior to the issuance of a building permit;
  - l) Prior to the issuance of an occupancy permit, the applicant shall submit a surety equal to 125% of the value of any improvements (based on two bids including labor cost) not yet complete.
  - m) This approval shall expire one year from the date of approval unless the use has commenced or a building permit has been obtained and construction begun.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December 2015.

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Debbie Goettel, Mayor

**ATTEST:**

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Elizabeth VanHoose, City Clerk

### **Part 1 - Site Plan Approval (Subsection 547.13)**

In evaluating a site plan, the Planning Commission and Council shall consider its compliance with the following:

- a) *Consistency with the various elements and objectives of the City's long range plans including, but not limited to, the Comprehensive Plan.* The proposed use of the property for low-intensity office or service use is not inconsistent with the guiding Community Commercial designation. Additionally, the Comprehensive Plan discusses the need for improving gateways to the community and the proposal would
- b) *Consistency with the purposes of the Zoning Code.* The purposes of the Zoning Code include: assisting in the implementation of the Comprehensive Plan; creating harmonious and workable relationships among land uses; enhancing and protecting the physical appearance of the City and more. The proposal is consistent with these purposes of the Zoning Code.
- c) *Preservation of the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas.* The site is already fully developed and is 100 percent impervious. The proposed building and site have been designed so as to compliment and improve the surrounding area.
- d) *Creation of a harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development.* The proposed building façade is complimentary to the adjacent building on the property to the south. The site design reduces auto and pedestrian safety issues.
- e) *Creation of a functional and harmonious design for structures and site features including:*
  - i. *Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors and the general community;*
  - ii. *Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development;*
  - iii. *Appropriateness of the materials, textures, colors and details of construction as an expression of the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and functions; and*
  - iv. *Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic and arrangement and amount of parking so*

*as to be safe, convenient and, insofar as practicable, compatible with the design of proposed buildings, structures and neighboring properties.*

This site is significantly constrained; however, the proposal will provide safe and adequate space for the low-intensity use that is proposed. This site will likely never be able to accommodate a business or use with high customer traffic or turnover.

- f) *Creation of an energy-conserving design through design location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials and site grading.* The proposal will not worsen conditions.
- g) *Protection of adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.* Adequate provisions are included in the approval stipulations to protect adjacent properties.

## **Part 2 - Variances:**

The proposed building reduction and site improvements will improve upon existing conditions that are dangerous, while allowing for reuse and aesthetic improvements to a very difficult site. The applicant is requesting a variance from minimum parking requirements and parking lot setbacks. All other existing conditions that do not meet current Code requirements are considered legally nonconforming and may continue.

Subsection 534.11, Subd. 1:

- Parking lot setback – 15 feet from adjacent single-family residential (proposed 1.5 feet)

Subsection 534.11, Subd. 6:

- Minimum parking lot setback from right-of-way – 3 ft. (proposed 0 ft.)

Subsection 544.13, Subd. 6:

- Required off-street parking for office use is 6 stalls (proposed 4 stalls)

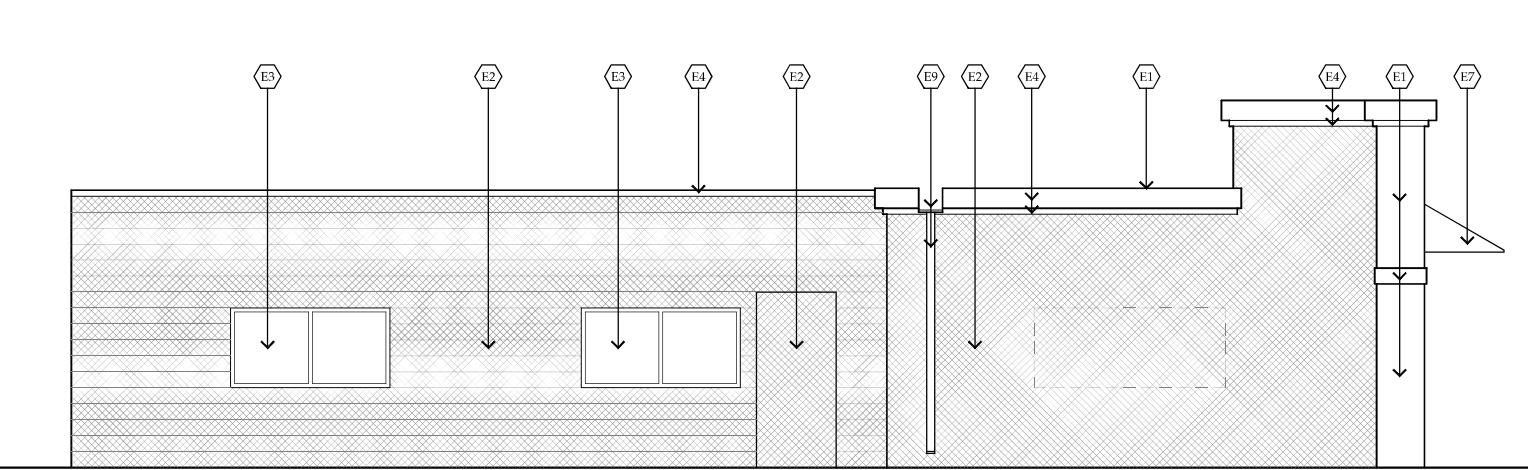
The findings necessary to approve variances are as follows (Subsection. 547.11):

- a) *There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.* It is reasonable to allow the reuse of an existing building on an existing lot. The applicant’s proposal includes improvements where possible and will improve the site overall, especially in regard to auto and pedestrian safety.
- b) *There are usual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.* This lot was created prior to existing codes that dictate the minimum size and width required for a commercial property. The building was

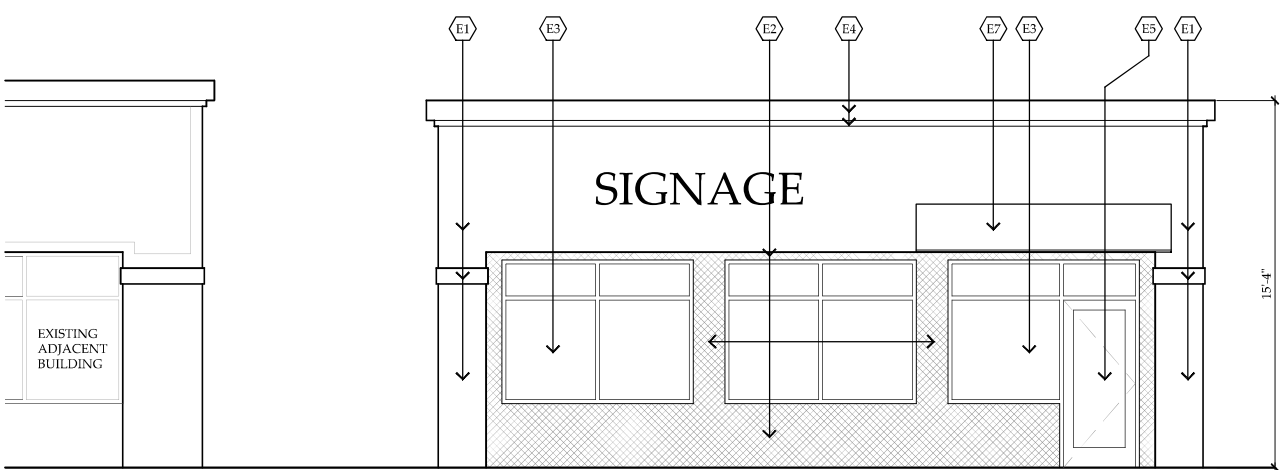


constructed in 1964. The applicant did not create this situation, but rather has proposed a scenario that offers reuse of a difficult property and improvements that will be apparent to the community. There are relatively few properties that are this constrained in the City.

- c) *The variance would not alter the character of the neighborhood or the locality.* The proposed variances will improve safety in this area and the aesthetics of the property. No negative impacts are expected.
- d) *The variance is the minimum necessary to alleviate the practical difficulty.* The proposed variances are the minimum necessary to reuse this property.
- e) *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.* The proposed plans are consistent with the general purposes and intents of the Zoning Ordinance and Comprehensive Plan as discussed further in Part 1 of this document.

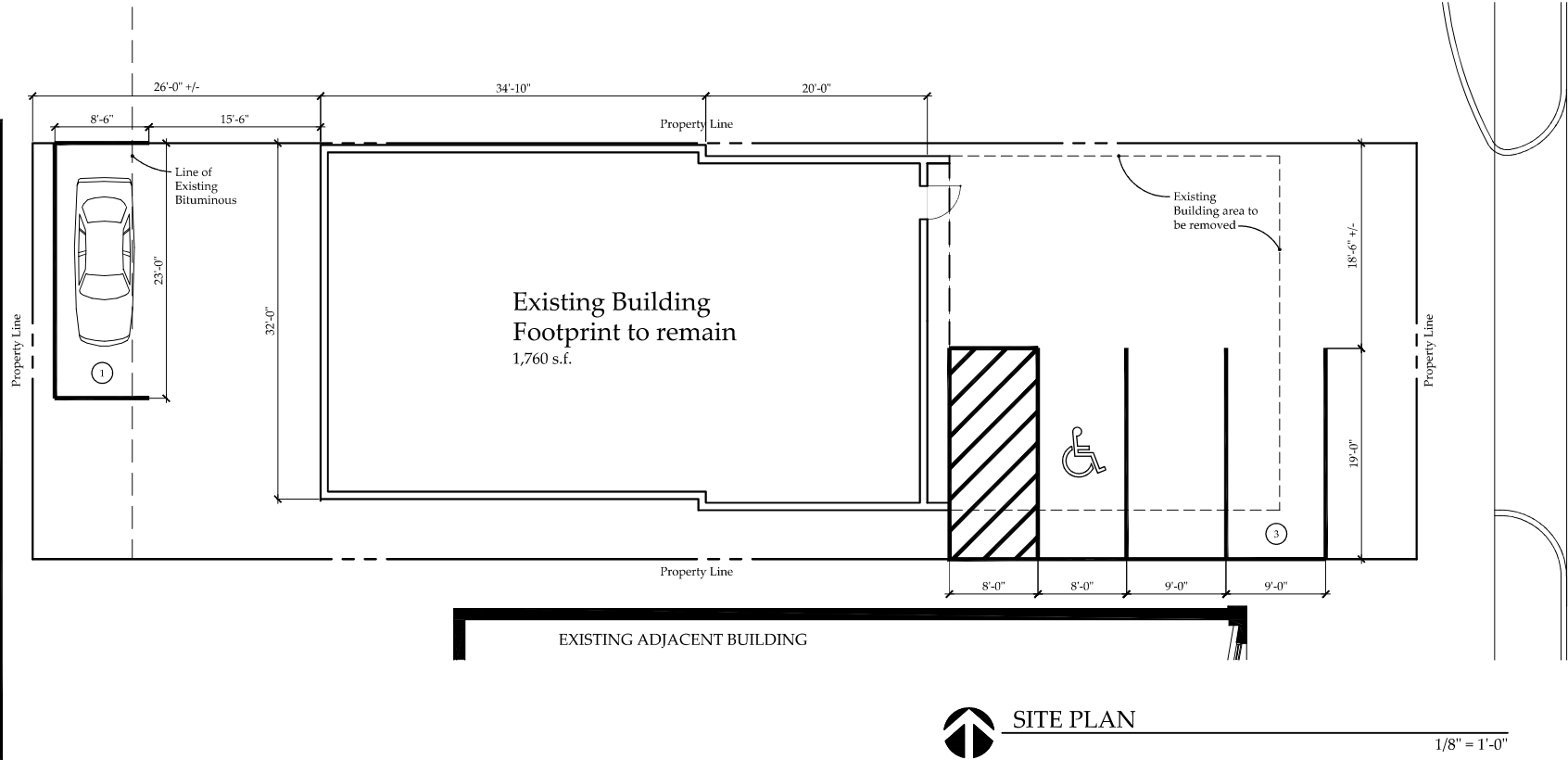


2 SOUTH ELEVATION  
1/4" = 1'-0"



1 EAST ELEVATION  
1/4" = 1'-0"

Elevation Keynotes	
E1	STUCCO FINISH - COLOR 1
E2	STUCCO FINISH - COLOR 2
E3	EXISTING WINDOW OPENING - NEW INFILL, CLEAR INSULATED GLASS IN BRONZE ANODIZED THERMALLY BROKEN ALUMINUM FRAME - KAWNEER 451T OR EQUAL.
E4	PREFINISHED METAL COPING TRIM
E5	ALUMINUM & GLASS ENTRANCE DOOR W/ FINISH TO MATCH WINDOW SYSTEM AND CLEAR INSULATED GLASS
E6	PAINTED HOLLOW METAL DOOR & FRAME
E7	CANVAS AWNING (SUNBRELLA OR EQUAL) ON ALUMINUM FRAMING MOUNTED TO FACE OF STUCCO WALL FINISH. PROVIDE BLOCKING IN WALL AS REQUIRED.
E8	WALL MOUNTED TENANT SIGNAGE. PROVIDE BLOCKING IN WALL AS REQUIRED.
E9	PREFINISHED METAL SCUPPER - FIELD INSPECT AND REBUILD AS NECESSARY TO PROVIDE SEALED AND WATER RESISTANT DETAILS. PROVIDE NEW DOWNSPOUT.
E10	NEW WINDOW OPENING - CLEAR INSULATED GLASS IN BRONZE ANODIZED THERMALLY BROKEN ALUMINUM FRAME - KAWNEER 451T OR EQUAL



SITE PLAN  
1/8" = 1'-0"

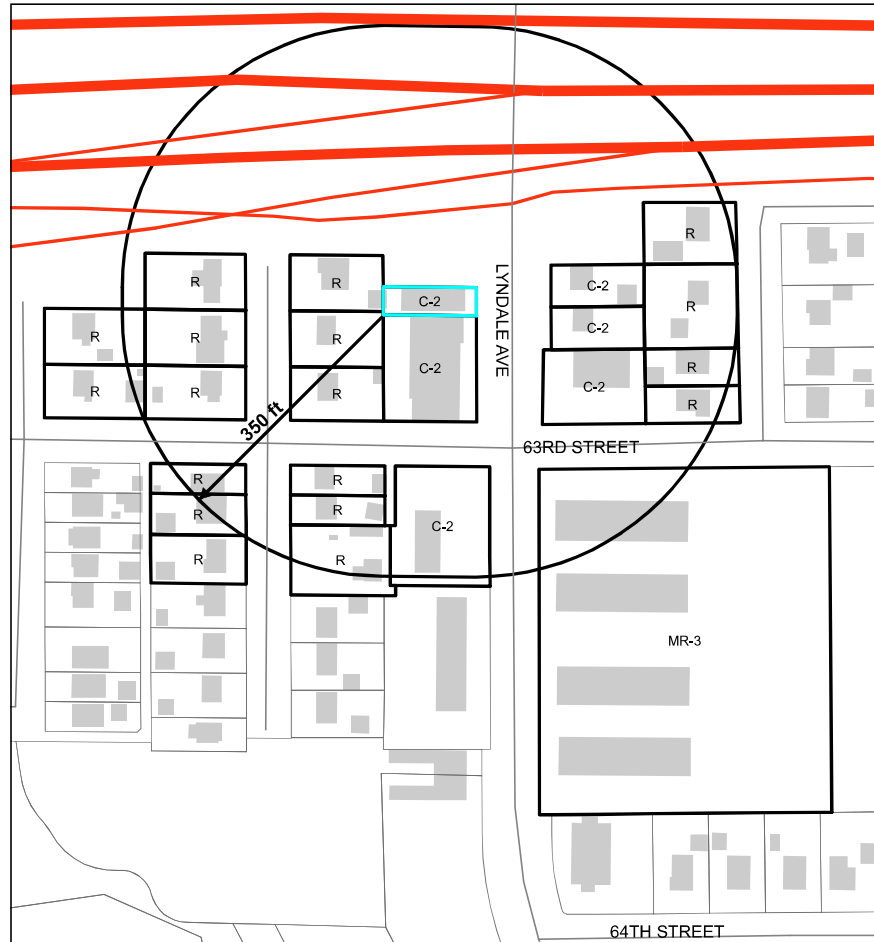
Site Data	
SITE AREA:	0.11 Acres (4,686 s.f.)
EXISTING BUILDING AREA:	2,770 s.f.
BUILDING DEMO AREA:	1,010 s.f. (36.5%)
REMAINING BUILDING AREA:	1,760 s.f. (63.5%)
PREVIOUS BUILDING USE:	Auto Service
PROPOSED BUILDING USE:	Office - Service/Office

PRELIMINARY  
DRAWING -  
NOT FOR  
CONSTRUCTION  
10/26/2015

Revisions	
1	
2	
3	
4	
5	
6	
Project Number 15139	
Date 10/26/2015	
Project 6232 Lyndale Avenue S. Richfield, Minnesota	
Sheet Title Site Plan Building Elevations	
Sheet Number SP1	

# 6232 Lyndale Ave - SP, VAR 11/2015

## Surrounding Zoning



C-2 - General Commercial  
MR-3 - Multi-Family Residential  
R - Single-Family Residential

0 75 150 300 450 600 Feet



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# 6232 Lyndale Ave - SP, VAR 11/2015

## Surrounding Comprehensive Plan



CC - Community Commercial  
HDR - High Density Residential  
MHD - Medium-High Density Residential  
LDR - Low Density Residential

0 75 150 300 450 600 Feet



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**STAFF REPORT NO. 197**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: John Stark, Community Development Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
12/1/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution authorizing acceptance of a grant for \$4,000 to the City of Richfield from the Statewide Health Improvement Program Grant (administered by Bloomington Public Health) for funding of a Bike Rack Cost Share Program.**

**EXECUTIVE SUMMARY:**

The City of Bloomington's Division of Public Health is administering the Statewide Health Improvement Program (SHIP) Grant on behalf of Bloomington, Richfield and Edina.

Community Development staff (in consultation with Recreation Services and Public Works staff) have proposed use of a \$4,000 portion of that grant for the implementation of a Bike Rack Cost Share Program. Staff is anticipating the inclusion of \$1,333 in matching City (or HRA) funds in the next three years' budgets (totaling \$4,000) to administer the Program for three years at a level of \$2,666 per year.

The grant would cover some of the costs for purchasing and/or installing bike racks at local businesses and nonprofit organizations. Program details will be forthcoming in spring 2016.

**RECOMMENDED ACTION:**

**By Motion: Approve a resolution authorizing acceptance of a grant for \$4,000 to the City of Richfield from the Statewide Health Improvement Program Grant (administered by Bloomington Public Health) for funding of a Bike Rack Cost Share Program.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The SHIP Grant has been in existence since 2009. It is funded by both legislative action and by proceeds resulting from public lawsuits against tobacco companies.
- This grant is administered by Bloomington Public Health on behalf of Bloomington, Edina and Richfield.
- Among the goals of the SHIP grant is to encourage bicycle use for its health benefits. Lack of adequate bicycle parking can be an impediment to bicycle use, so this Program has been proposed to address that issue.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

The City of Richfield has long advocated the use of bicycles for transportation, recreation and active living.

**C. CRITICAL TIMING ISSUES:**

This grant was received in 2015 and should, therefore, be formally accepted by the end of the year.

**D. FINANCIAL IMPACT:**

The City and/or HRA are expected to contribute a 100% match over the next three years (of approximately \$1,333 per year).

**E. LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

N/A

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

Description	Type
□ Resolution	Resolution Letter

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING ACCEPTANCE OF GRANTS RECEIVED BY THE CITY OF RICHFIELD-COMMUNITY DEVELOPMENT DEPARTMENT AND TO AUTHORIZE THE CITY TO ADMINISTER THE FUNDS IN ACCORDANCE WITH GRANT AGREEMENTS AND TERMS PRESCRIBED BY DONORS**

**WHEREAS**, Minnesota Statute 465.03 reads in part as follows:

Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every acceptance shall be by resolution of the Council adopted by two-thirds majority of its members, expressing such terms in full, and

**WHEREAS**, the City of Richfield has received grants and donations as described below:

\$4,000 to the City of Richfield from the Statewide Health Improvement Program (SHIP) Grant (administered by Bloomington Public Health) for funding of a Bike Rack Cost Share Program.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota, as follows:

That the City Council of the City of Richfield hereby accepts the grants and donations as listed above, received in 2015, and authorizes the City to administer the funds in accordance with grant agreements and terms prescribed by donors.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December, 2015.

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Debbie Goettel, Mayor

**ATTEST:**

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 198**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Steven L. Devich, City Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
12/2/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution appointing Raj Bhakta, Adam Selby, and Katie Haunz to the Richfield Tourism Promotion Board to each serve a three-year term ending December 31, 2018 or until a successor has been chosen, whichever is later.**

**EXECUTIVE SUMMARY:**

On June 25, 1990 the City Council approved an ordinance to levy a 3% tax on gross receipts of lodging from Richfield Hotels and Motels pursuant to Minnesota Statutes. The establishment of the Richfield Tourism Promotion Board, Inc. (RTPB) and the appointment of directors were also a part of the resolution. Currently there are five director positions on the RTPB. The term of each appointment is for three years.

The current appointments to the RTPB and the ending dates of their terms are as follows:

1. **Pat Brekken**, representing the Richfield Chamber of Commerce, term ending on December 31, 2017.
2. **Laural Kenney Mamula**, General Manager of Candlewood Suites, term ending December 31, 2015.
3. **Raj Bhakta**, General Manager of AmericInn, term ending December 31, 2015.
4. **Adam Selby**, Hampton Inn, term ending December 31, 2015.
5. **Vacant**, General Manager of Motel 6.

Raj Bhakta, General Manager of AmericInn, and Adam Selby, Hampton Inn, have been representatives of their respective hotel properties to the RTPB for the past several years. Each of their terms will expire December 31, 2015 and both have indicated their desire to be reappointed.

Laural Kenney Mamula is the new General Manager of the Candlewood Suites and has been a representative for the Candlewood Suites to the RTPB since September 2015. Her term expires on December 31, 2015 and she has indicated she does not wish to be considered for reappointment. Instead, Ms. Mamula has asked that Katie Haunz be appointed in her place.

Katie Haunz is the Director of Sales at the Candlewood Suites in Richfield, MN. Katie has over 10 years of experience in the customer service industry. She stated her hospitality career while she was attending college. She graduated from the University of North Dakota with a bachelor's degree in Psychology in 2011. During this period, she was working full time as a Banquet Captain at the Universities Hotel, the Hilton Garden

Inn.

**RECOMMENDED ACTION:**

By Motion: Adopt a resolution appointing Raj Bhakta, Adam Selby, and Katie Haunz to the Richfield Tourism Promotion Board to each serve a three-year term ending December 31, 2018 or until a successor has been chosen, whichever is later.

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

This information is contained in the Executive Summary.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- The City Council has the authority to make appointments to the RTPB.
- The RTPB has typically included a representative from each of the hotel properties and a member of the Richfield Chamber of Commerce.
- Each of the current hotel representatives has indicated a desire to be reappointed to the RTPB.

**C. CRITICAL TIMING ISSUES:**

The terms of the three hotel representatives will expire on December 31, 2015 so these appointments should be made at the December 8, 2015 City Council meeting.

**D. FINANCIAL IMPACT:**

There is no cost to the City.

**E. LEGAL CONSIDERATION:**

The appointment conforms to City ordinance and bylaws of the RTPB.

**ALTERNATIVE RECOMMENDATION(S):**

- The City Council could decide not to make this reappointment to the RTPB.
- The City Council could choose to review this matter at a future date.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
▯ RTPB Resolution1	Resolution Letter



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPOINTING A REPRESENTATIVE  
TO THE BOARD OF DIRECTORS OF  
THE RICHFIELD TOURISM PROMOTION BOARD, INC.**

**WHEREAS**, the City of Richfield has levied a 3% tax on the gross receipts of lodging from hotels and motels in the City pursuant to Minnesota Statute Section 169.190; and

**WHEREAS**, Minnesota Statute Section 169.190 authorizes the proceeds of the tax to fund a Tourism Promotion Board for the purpose of marketing and promoting the City as a tourist or convention center; and

**WHEREAS**, the articles and bylaws of the Richfield Tourism Promotion Board, Inc. provide the City Council of the City of Richfield appoint five (5) directors to the Board representing the Richfield hotel-motel properties and the Richfield Chamber of Commerce; and

**WHEREAS**, each director shall serve as a director until his or her successor has been appointed and has qualified, or until his or her earlier disqualification, death, resignation, or removal; and

**WHEREAS**, the terms of the following hotel representatives have expired and each representative has indicated a desire to be reappointed to the Richfield Tourism Promotion Board:

- **Raj Bhakta**, General Manager of AmericInn;
- **Adam Selby**, Hampton Inn; and

**WHEREAS**, Laurel Kenney Mamula, General Manager of Candlewood Suites, has indicated she does not wish to be reappointed to the Richfield Tourism Promotion Board; and

**WHEREAS**, Ms. Mamula has asked that Katie Haunz, Director of Sales of Candlewood Suites, be appointed in her place.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota, that the Richfield Tourism Promotion Board directors be modified as follows:

Appoint each of the following hotel representatives to the Richfield Tourism Promotion Board for a three-year term:

- **Katie Haunz**, Director of Sales of Candlewood Suites; term ending December 31, 2018.
- **Raj Bhakta**, General Manager of AmericInn, term ending December 31, 2018.
- **Adam Selby**, Hampton Inn; term ending December 31, 2018.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December, 2015.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 199**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of the renewal of the 2016 licenses for On-Sale 3.2 Percent Malt Liquor, Off-Sale 3.2 Percent Malt Liquor and taxi companies doing business in Richfield.**

**Licenses to Operate in Richfield**

**Gold Star Taxi - 27 vehicles**  
**10-10 Taxi - 10 vehicles**  
**Airport Taxi - 6 vehicles**

**Licenses to sell 3.2 Percent Malt Liquor**

**Portland Food Mart - Off-Sale**  
**Rainbow Foods - Off-Sale**  
**Richfield Minnoco (Gas station 67th& Penn) - Off-Sale**  
**Short Stop Supperette - Off-Sale**  
**SuperAmerica #4186 - Off-Sale**  
**SuperAmerica #4188 - Off-Sale**  
**SuperAmerica #4191 - Off-Sale**  
**SuperAmerica #4615 - Off-Sale**  
**Target Corporation - Off-Sale**  
**Sandy's Tavern - On-Sale**  
**Vina Restaurant - On-Sale**

**EXECUTIVE SUMMARY:**

Staff completed a staff report for each business at the time they originally applied for and received Council approval to operate their taxi business or to sell On-Sale 3.2 Percent Malt Liquor and Off-Sale 3.2 Percent Malt Liquor at their business in the City of Richfield. This is simply a request to renew their annual license for 2016. There is not a public hearing requirement for renewals for these types of licenses. The businesses named in this report are presented for Council's approval on this date.

It should be noted that five taxi companies have failed to meet the renewal deadline. Each of them has received two separate written notices from the City as well as one telephone call from staff making them aware of the deadline and they failed to comply within the deadline date so they are not on the agenda as of the date of this writing. They will be contacted after the Council meeting to let them know they are unable to operate in 2016 until their licenses/fees are received and they can be placed on a Council agenda for approval sometime in 2016. Some of the licensees in this particular license category seem to not be willing to adhere to deadlines like others do and this is the result of their failure to respond accordingly.

## **RECOMMENDED ACTION:**

**By Motion:** Approve the 2016 renewal of named business licenses for On-Sale 3.2 Percent Malt Liquor and Off-Sale 3.2 Percent Malt Liquor establishments doing business in Richfield. Approve the 2016 renewal of named business licenses for taxi companies doing business in Richfield.

## **BASIS OF RECOMMENDATION:**

### **A. HISTORICAL CONTEXT**

The listed businesses current licenses will expire on December 31, 2015.

The businesses named below with the corresponding licenses are presented for Council's approval on this date.

#### Licenses to Operate in Richfield

- Gold Star Taxi - 27 vehicles
- 10-10 Taxi - 10 vehicles
- Airport Taxi - 6 vehicles

#### Licenses to sell 3.2 Percent Malt Liquor

- Portland Food Mart - Off-Sale
- Rainbow Foods - Off-Sale
- Richfield Minnoco (Gas station 67th& Penn) - Off-Sale
- Short Stop Supperette - Off-Sale
- SuperAmerica #4186 - Off-Sale
- SuperAmerica #4188 - Off-Sale
- SuperAmerica #4191 - Off-Sale
- SuperAmerica #4615 - Off-Sale
- Target Corporation - Off-Sale
- Sandy's Tavern - On-Sale
- Vina Restaurant - On-Sale

### **B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- All businesses must annually request renewal of their 3.2 Percent Malt Liquor and Taxi Company licenses to the City Council.
- Businesses must meet the requirements for renewal of their licenses.

### **C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

### **D. FINANCIAL IMPACT:**

All license fees must be paid and application forms submitted in order to be considered for license renewal.

### **E. LEGAL CONSIDERATION:**

There are no legal issues.

## **ALTERNATIVE RECOMMENDATION(S):**

Deny the request for the renewal of 2016 licenses for On-Sale 3.2 Percent Malt Liquor, Off-Sale 3.2 Percent Malt Liquor and taxi companies doing business in Richfield. This would result in the applicants not being able to conduct business within the City in 2016. However, there have been no issues with any of these listed establishments and the Public Safety Department has found no reason to deny any of the requested licenses.

## **PRINCIPAL PARTIES EXPECTED AT MEETING:**

Businesses have been notified of the date of presentation to the City Council but are not required to attend.



**STAFF REPORT NO. 200**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc., 7529 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On October 29, 2015, the City received the application materials for the renewal of Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc., 7529 Lyndale Avenue South. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

This agenda item is the first request out of two for the renewal of Pawnbroker and Secondhand Goods Dealers' licenses. If no Council member objects, the Council may conduct a single public hearing for all of the license approvals and may pass all of the resolutions with a single motion. If a single/individual public hearing is called, the Mayor should require each speaker to identify the particular license to which the person is speaking. Any Council member may request the question be divided, if the Council member wishes to address any one or all of the proposed resolutions by a separate motion.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc., 7529 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 29, 2015, the City received the application and other required documents for Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are not delinquent.
- The \$5,000 bond has been submitted.

- Environmental health staff has received no complaints regarding Metro Pawn & Gun in the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested license.

The Pawnbroker and Secondhand Goods Dealer licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Sections 1186 and 1187 require owners of Pawnbroker and Secondhand Goods Dealer licensed establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

There are no legal issues.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain Pawnbroker and Secondhand Goods Dealer licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Metro Pawn & Gun, Inc. representative

**ATTACHMENTS:**

Description	Type
□ Metro Pawn & Gun Background Summary	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR METRO PAWN & GUN, INC.

Officers:

Mark Nichols, Owner  
Elizabeth Nichols, Owner

Criminal History:

Mark Nichols has no known criminal record. Elizabeth Nichols has no known criminal record. John Kunst, who serves as the On-Premise Manager, has no known criminal record.

Premises:

The property is owned by Mark and Elizabeth Nichols.

Record of Service Calls:

There were eight Public Safety/Police contacts with Metro Pawn & Gun, Inc. from October 2014 through September 2015. This compares with ten contacts for the previous year. A breakdown of these contacts is attached to this report.

Routine Information:

The owner of the business continues to act in a cooperative manner with the Public Safety Department on the recovery of stolen articles.

The Notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## **Metro Pawn & Gun, Inc.**

### **Directors and Officers**

Mark William Nichols  
Elizabeth Marie Nichols

Owner  
Owner

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## **PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

### **Metro Pawn & Gun, Inc.**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>10</b>	<b>8</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>3</b>	<b>7</b>
Incidents (see bottom of page for specifics)	(3)	(5)
Alarm	(0)	(2)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>7</b>	<b>1</b>
Assists	(5)	(1)
Traffic	(2)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: one suspicious activity, three thefts, one drug related and two alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 201**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 Pawnbroker and Secondhand Goods Dealer licenses for University Cash Company, Inc., d/b/a Avi's Pawn & Jewelry, 6414 Nicollet Avenue South.**

**EXECUTIVE SUMMARY:**

On November 3, 2015, the City received the application materials for the renewal of Pawnbroker and Secondhand Goods Dealer licenses for University Cash Company, Inc., d/b/a Avi's Pawn & Jewelry, 6414 Nicollet Avenue South. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 Pawnbroker and Secondhand Goods Dealer licenses for University Cash Company, Inc. d/b/a Avi's Pawn & Jewelry, 6414 Nicollet Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 3, 2015, the City received the application and other required documents for Pawnbroker and Secondhand Goods Dealer licenses for University Cash Company, Inc. d/b/a Avi's Pawn & Jewelry.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are not delinquent.
- The \$5,000 bond has been submitted.
- Environmental health staff has received no complaints regarding Avi's Pawn & Jewelry in the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for



recommending denial of the requested license.

The Pawnbroker and Secondhand Goods Dealer licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Sections 1186 and 1187 require owners of Pawnbroker and Secondhand Goods Dealer licensed establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

There are no legal considerations.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain Pawnbroker and Secondhand Goods Dealer licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Avi's Pawn & Jewelry representative

**ATTACHMENTS:**

Description	Type
▣ Avi's Pawn & Jewelry Background Summary	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR UNIVERSITY CASH COMPANY, INC. d/b/a AVI'S PAWN & JEWELRY

Officers:

Andy Strauss, Owner

Criminal History:

Andy Strauss has no known criminal record. Charles Hayes, who serves as the On-Premise Manager, has no known criminal record.

Premises:

The property is owned by L.N.S. Real Estate Partnership. The lease between the applicant and the property owner is in effect with all payments current.

Record of Service Calls:

There were three Public Safety/Police contacts with Avi's Pawn & Jewelry from October 2014 through September 2015. This compares with seven contacts for the previous year. A breakdown of these contacts is attached to this report.

Routine Information:

The owner of the business continues to act in a cooperative manner with the Public Safety Department on the recovery of stolen articles.

The Notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## Avi's Pawn & Jewelry

### Directors and Officers

Andy Jason Strauss

Owner

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## PUBLIC SAFETY CONTACTS

October 2014 through September 2015

### Avi's Pawn & Jewelry

	<u>2014</u>	<u>2015</u>
<b><u>TOTAL CONTACTS</u></b>	<b>7</b>	<b>3</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>6</b>	<b>2</b>
Incidents (see bottom of page for specifics)	(4)	(1)
Alarm	(2)	(1)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>1</b>	<b>1</b>
Assists	(1)	(0)
Traffic	(0)	(1)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: one unwanted guest and one alarm.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 202**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 Club On-Sale Intoxicating and Sunday Liquor licenses for Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink, 6715 Lakeshore Drive.**

**EXECUTIVE SUMMARY:**

On November 2, 2015, the City received the application materials for the renewal of Club On-Sale and Sunday Liquor licenses, for Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink, 6715 Lakeshore Drive. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

This agenda item is the first request out of two for the renewal of Club On-Sale and Sunday Liquor licenses. Of the remaining one, if no Council member objects, the Council may conduct a single public hearing for the license approvals and may pass both of the resolutions with a single motion. If a single/individual public hearing is called, the Mayor should require each speaker to identify the particular license to which the person is speaking. Any Council member may request the question be divided, if the Council member wishes to address any one or all of the proposed resolutions by a separate motion.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 Club On-Sale and Sunday Liquor licenses for Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink, 6715 Lakeshore Drive.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 2, 2015, the City received the application and other required documents for Club On-Sale and Sunday Liquor licenses for Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink. The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Integrity Mutual Insurance Co. affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 50% of the total sales, while liquor accounted for 50% of the total sales. The VFW is exempt from meeting the code requirement that states that more than 50% of the business activities must be related to the service of food. Due to the fact they are a club/veterans organization they are exempt from that requirement.
- Environmental health staff has received no complaints regarding Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The Club On-Sale and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of Club On-Sale and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean that the current applicants would not be able to obtain Club On-Sale and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

V.F.W. representative

**ATTACHMENTS:**

Description	Type
☐ VFW Background Summary	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR FRED BABCOCK V.F.W. POST NO. 5555 d/b/a FOUR NICKELS FOOD AND  
DRINK

Officers:

Don Emond, Commander

Criminal History:

Don Emond has no known criminal record. Valerie Olson, who serves as the On-Premise Manager, has no known criminal record.

Premises:

Gramercy Park Cooperative at Lake Shore Drive is the owner of the property. The lease between the applicant and the property owner is in effect with all payments current.

Record of Service Calls:

There were 13 Public Safety/Police contacts with Four Nickels Food & Drink from October 2014 through September 2015. This compares with 13 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Four Nickels Food & Drink was April 3, 2008.

Routine Information:

Club On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal on Club On-Sale and Sunday Liquor sales.

The Notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## **Four Nickels Food and Drink**

### **Directors and Officers**

Don Emond

Commander

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## **PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

## **Four Nickels Food and Drink**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>13</b>	<b>13</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>9</b>	<b>8</b>
Incidents (see bottom of page for specifics)	(5)	(5)
Alarm	(4)	(3)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>4</b>	<b>5</b>
Assists	(2)	(1)
Traffic	(1)	(4)
Inspections/Licensing	(0)	(0)
Medical/Fire	(1)	(0)

The criminal contacts from October 2014 through September 2015 were: one theft from auto, one welfare check, one DWI, one suspicious activity, one suspicious vehicle and three alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 203**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of the 2016 Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South.**

**EXECUTIVE SUMMARY:**

On November 2, 2015, the City received the application materials for the renewal of Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 2, 2015, the City received the application and other required documents for Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Integrity Mutual Insurance Co. affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 32% of the total sales, while liquor accounted for 68% of the total sales. The Minneapolis-Richfield American Legion Post No. 435 is exempt from meeting the code requirement stating more than 50% of the business activities must be related to the service of food. Due to the fact they are a Club/Veterans



organization, they are exempt from that requirement.

- Environmental health staff has received no complaints regarding the Minneapolis-Richfield American Legion for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The Club On-Sale and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of Club On-Sale and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain Club On-Sale and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

American Legion representative

**ATTACHMENTS:**

Description	Type
□ American Legion Background Summary	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR MINNEAPOLIS-RICHFIELD AMERICAN LEGION POST No. 435

Officers:

Thomas Eckhoff, Commander  
Robert Newcomb, Finance Officer

Criminal History:

Thomas Eckhoff has no known criminal record. Robert Newcomb has a DWI conviction from 2014. Jeffrey Husaby, who serves as the On-Premise Manager, has a Damage to Property and a DWI conviction from 1995 and a Domestic Assault from 1996.

Premises:

The property and building continue to be owned by the American Legion.

Record of Service Calls:

There were 18 Public Safety/Police contacts with Minneapolis-Richfield American Legion Post 435 from October 2014 through September 2015. This compares with 18 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Minneapolis-Richfield American Legion was March 19, 2010.

Routine Information:

Club On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal on Club On-Sale and Sunday Liquor sales.

The Notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## Minneapolis-Richfield American Legion Post No. 435

### Directors and Officers

Thomas Eckhoff  
Robert Newcomb

Commander  
Finance Officer

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### PUBLIC SAFETY CONTACTS

October 2014 through September 2015

## Minneapolis-Richfield American Legion Post No. 435

	<u>2014</u>	<u>2015</u>
<b><u>TOTAL CONTACTS</u></b>	<b>18</b>	<b>18</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>12</b>	<b>13</b>
Incidents (see bottom of page for specifics)	(8)	(10)
Alarm	(4)	(3)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>6</b>	<b>5</b>
Assists	(3)	(1)
Traffic	(3)	(4)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: two welfare checks, one theft from auto, three violate order for protections, one fraud, one theft, one suspicious vehicle, one fight and three alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 204**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Chipotle Mexican Grill of Colorado, LLC, d/b/a Chipotle Mexican Grill, 7644 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On November 3, 2015, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Chipotle Mexican Grill of Colorado, LLC, d/b/a Chipotle Mexican Grill. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

This agenda item is the first request out of eight for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses. Of the remaining seven, if no Council member objects, the Council may conduct a single public hearing for all of the license approvals and may pass all of the resolutions with a single motion. If a single/individual public hearing is called, the Mayor should require each speaker to identify the particular license to which the person is speaking. Any Council member may request the question be divided, if the Council member wishes to address any one or all of the proposed resolutions by a separate motion.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 7644 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 3, 2015, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Chipotle Mexican Grill.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.

- Real estate taxes are not delinquent.
- Proof of liquor liability insurance coverage has been received showing Safety National Casualty Corporation affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period for October 2014 through September 2015. The statement indicates food sales accounted for 99% of the total sales, while liquor accounted for 1% of the total sales.
- Environmental health staff has received no complaints regarding Chipotle Mexican Grill for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Wine and 3.2 Percent Malt Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Edgar Reyes, On Premise Manager

**ATTACHMENTS:**

Description	Type
□ Chipotle Mexican Grill Summary of Background	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT FOR  
CHIPOTLE MEXICAN GRILL OF COLORADO, LLC d/b/a CHIPOTLE MEXICAN GRILL

Officers:

Montgomery Frederick Moran, LLC Manager - Boulder, Colorado  
Matthew Steven Ells, LLC Manager - Denver, Colorado

Criminal History:

Montgomery Moran has no known criminal record. Matthew Ells has no known criminal record. Edgar Reyes, who serves as the On-Premise Manager, has no known criminal record.

Premises:

Lyndale Gateway, LLC is the owner of the property. The lease between the applicant and the landlord is in effect with all payments current.

Record of Service Calls:

There were five Public Safety/Police contacts with Chipotle Mexican Grill from October 2014 through September 2015. This compares with 27 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth with Chipotle Mexican Grill.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## Chipotle Mexican Grill, LLC

### Directors and Officers

Montgomery Moran  
Matthew Ells

LLC Manager – Boulder, Colorado  
LLC Manager – Denver, Colorado

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## PUBLIC SAFETY CONTACTS

October 2014 through September 2015

### Chipotle Mexican Grill

	<u>2014</u>	<u>2015</u>
<b><u>TOTAL CONTACTS</u></b>	<b>27</b>	<b>5</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>12</b>	<b>3</b>
Incidents (see bottom of page for specifics)	(7)	(2)
Alarm	(5)	(1)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>15</b>	<b>2</b>
Assists	(14)	(2)
Traffic	(1)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: one damage to property, one theft and one alarm.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 205**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Patrick's French Bakery, Inc., d/b/a Patrick's Bakery & Cafe, 2928 66th Street West.**

**EXECUTIVE SUMMARY:**

On October 30, 2015, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Patrick's French Bakery, Inc., d/b/a Patrick's Bakery & Café. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Patrick's French Bakery, Inc. d/b/a Patrick's Bakery & Café, 2928 66th Street West.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2015, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Patrick's French Bakery, Inc. d/b/a Patrick's Bakery Café.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are not delinquent.
- Proof of liquor liability insurance coverage has been received showing Continental Casualty Company affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 97% of the total sales, while liquor accounted for 3% of the total sales.
- Environmental health staff has received no complaints regarding Patrick's Bakery & Café for the previous year.



The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Wine and 3.2 Percent Malt Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean that the current applicant would not be able to obtain On-sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Patrick's Bakery representative

**ATTACHMENTS:**

Description	Type
▣ Patrick's Bakery & Cafe Background of Summary	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR PATRICK'S FRENCH BAKERY, INC. d/b/a PATRICK'S BAKERY & CAFE

Officers:

Patrick Bernet, President  
Rafieh (Azita) Bernet, Vice-President

Criminal History:

Patrick Bernet has no known criminal record. Rafieh, who also serves as the On-Premise Manager, has no known criminal record.

Premises:

Patrick Bernet is the owner of the property. Venture Bank and Wells Fargo are the mortgage companies. All payments are current.

Record of Service Calls:

There were four Public Safety/Police contacts with Patrick's Bakery & Cafe from October 2014 through September 2015. This compares with eight contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Patrick's Bakery & Cafe was in June 2012.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor Licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## Patrick's Bakery & Cafe

### Directors and Officers

Patrick Bernet  
Rafieh Bernet

President  
Vice-President

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## PUBLIC SAFETY CONTACTS

October 2014 through September 2015

### Patrick's Bakery & Cafe

	<u>2014</u>	<u>2015</u>
<b><u>TOTAL CONTACTS</u></b>	<b>8</b>	<b>4</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>5</b>	<b>3</b>
Incidents (see bottom of page for specifics)	(5)	(2)
Alarm	(0)	(1)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>3</b>	<b>1</b>
Assists	(2)	(1)
Traffic	(1)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: one suspicious vehicle, one disturbance and one alarm.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 206**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant, 7545 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On October 30, 2015, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant, 7545 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2015, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Joy's Pattaya Thai Restaurant.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are not delinquent.
- Proof of liquor liability insurance coverage has been received showing Travelers Casualty Insurance Company of America affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 97% of the total sales, while liquor accounted for 3% of the total sales.

- Environmental health staff has received no complaints regarding Joy's Pattaya Thai Restaurant for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Wine and 3.2 Percent Malt Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Dale Mueller, Owner

**ATTACHMENTS:**

Description	Type
☐ Joy's Pattaya Background Summary	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR JOY'S PATTAYA THAI RESTAURANT, LLC d/b/a JOY'S PATTAYA THAI  
RESTAURANT

Officers:

Dale Lynn Mueller, Owner  
Joy Mueller, Owner

Criminal History:

Dale Lynn Mueller has no known criminal record. Joy Mueller, who also serves as the On-Premise Manager, has no known criminal record.

Premises:

Kenneth Johnson of Bloomington, Minnesota, is the owner of the property. The current lease with the applicants is in effect with all payments current.

Record of Service Calls:

There were three Public Safety/Police contacts with Joy's Pattaya Thai Restaurant from October 2014 through September 2015. This compares with two contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth with Joy's Pattaya Thai Restaurant.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## Joy's Pattaya Thai Restaurant

### Directors and Officers

Dale Lynn Mueller  
Joy Mueller

Owner  
Owner

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## PUBLIC SAFETY CONTACTS

October 2013 through September 2014

### Joy's Pattaya Thai Restaurant

	<u>2014</u>	<u>2015</u>
<b><u>TOTAL CONTACTS</u></b>	<b>2</b>	<b>3</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>1</b>	<b>0</b>
Incidents (see bottom of page for specifics)	(1)	(0)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>1</b>	<b>3</b>
Assists	(1)	(3)
Traffic	(0)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

There were no criminal contacts from October 2014 through September 2015.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 207**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for The Noodle Shop, Co. - Colorado, Inc. d/b/a Noodles & Company, 1732 66th Street East.**

**EXECUTIVE SUMMARY:**

On November 2, 2015, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for The Noodle Shop, Co. – Colorado, Inc. d/b/a Noodles & Company. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for The Noodle Shop, Co. - Colorado, Inc., d/b/a Noodles & Company, 1732 66th Street East.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 2, 2015, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for The Noodle Shop, Co. – Colorado, Inc. d/b/a Noodles & Company.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are not delinquent.
- Proof of liquor liability insurance coverage has been received showing Travelers Property Casualty Company of America affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 99% of the total sales, while liquor accounted for 1% of the total sales.



- Environmental health staff has received no complaints regarding Noodles & Company for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Wine and 3.2 Percent Malt Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Abram Vasquez, General Manager

**ATTACHMENTS:**

Description	Type
☐ Noodles & Company (1732 66th) Background Summary	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT FOR THE NOODLE  
SHOP, CO. COLORADO INC, d/b/a  
NOODLES & COMPANY (1732 66<sup>TH</sup> STREET EAST)

Officers:

Paul Allen Strasen, President/Vice-President  
David Boennighausen, Secretary

Criminal History:

Paul Allen Strasen has no known criminal record. Dave Boennighausen has no known criminal record. Abram Vasquez, who serves as the On-Premise Manager, has a DWI conviction from 2005 and 2013.

Premises:

Ryan Companies US, Inc. is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were four Public Safety/Police contacts with Noodles & Company from October 2014 through September 2015. This compares with five contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth with Noodles & Company.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance of renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

The Notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

**Noodles & Company**  
(1732 66<sup>th</sup>)

**Directors and Officers**

Paul Allen Strasen  
David Boennighausen

President/Vice-President  
Secretary

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**PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

**Noodles & Company**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>5</b>	<b>4</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>4</b>	<b>3</b>
Incidents (see bottom of page for specifics)	(2)	(1)
Alarm	(2)	(2)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>1</b>	<b>1</b>
Assists	(1)	(1)
Traffic	(0)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: one theft and two alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 208**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for The Noodle Shop, Co. - Colorado, Inc. d/b/a Noodles & Company, 7630 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On October 30, 2015, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for The Noodle Shop, Co. - Colorado, Inc., d/b/a Noodles & Company. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for The Noodle Shop, Co. - Colorado, Inc. d/b/a Noodles & Company, 7630 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2015, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Noodles & Company.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Travelers Property Casualty Company of America affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 99% of total sales, while liquor accounted for 1% of total sales.

- Environmental health staff has received no complaints regarding Noodles & Company for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Wine and 3.2 Percent Malt Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor license.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Ryan Bjerke, On Premise Manager

**ATTACHMENTS:**

	Description	Type
□	Noodles & Company (7630 Lyndale) Background Summary	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT FOR THE NOODLE  
SHOP, CO. COLORADO INC. d/b/a  
NOODLES & COMPANY (7630 LYNDAL AVENUE)

Officers:

Paul A. Strasen, President/Vice President  
Dave Boennighausen, Secretary

Criminal History:

Paul Allen Strasen has no known criminal record. Dave Boennighausen has no known criminal record. Ryan Bjerke, who serves as On-Premise Manager, has no known criminal record.

Premises:

Lyndale Gateway, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were ten Public Safety/Police contacts with Noodles & Company from October 2014 through September 2015. This compares with eight contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Noodles & Company was April 13, 2007.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

The Notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

**Noodles & Company**  
(7630 Lyndale)

**Directors and Officers**

Paul Strasen  
David Boennighausen

President/Vice President  
Secretary

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**PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

**Noodles & Company**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>8</b>	<b>10</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>6</b>	<b>8</b>
Incidents (see bottom of page for specifics)	(5)	(4)
Alarm	(1)	(4)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>2</b>	<b>2</b>
Assists	(2)	(1)
Traffic	(0)	(1)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: two thefts, one terroristic threat, one fight and four alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 209**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Henry Thou, d/b/a Red Pepper Chinese Restaurant, 2910 66th Street West.**

**EXECUTIVE SUMMARY:**

On November 13, 2015, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Henry Thou, d/b/a Red Pepper Chinese Restaurant. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Henry Thou, d/b/a Red Pepper Chinese Restaurant, 2910 66th Street West.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 13, 2015, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Red Pepper Chinese Restaurant.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are not delinquent.
- Proof of liquor liability insurance coverage has been received showing Scottsdale Insurance Company affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 98% of the total sales, while liquor accounted for 2% of the total sales.
- Environmental health staff has received no complaints regarding Red Pepper Chinese Restaurant for the previous year.



The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Wine and 3.2 Percent Malt Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Henry Thou, Owner

**ATTACHMENTS:**

Description	Type
□ Red Pepper Background Summary	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION FOR HENRY THOU d/b/a RED  
PEPPER CHINESE RESTAURANT

Officer(s):

Henry Thou, Owner

Criminal History:

Henry Thou has no known criminal record.

Premises:

DRFC Southdale Square, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were zero Public Safety/Police contacts with Red Pepper Chinese Restaurant from October 2014 through September 2015. This compares with nine contacts for the previous year, however the establishment was under prior ownership.

Violations:

There have been no violations for the sale of alcohol to underage youth with Red Pepper Chinese Restaurant.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owner of the establishment.

There are no distant requirements to notify neighbors of the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

# **Red Pepper Chinese Restaurant**

## **Directors and Officers**

Henry Thou

Owner

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## **PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

### **Red Pepper Chinese Restaurant**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>9</b>	<b>0</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>3</b>	<b>0</b>
Incidents (see bottom of page for specifics)	(3)	(0)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>6</b>	<b>0</b>
Assists	(6)	(0)
Traffic	(0)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

There were no criminal contacts from October 2014 through September 2015.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 210**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Davanni's, Inc. d/b/a Davanni's Pizza and Hot Hoagies, 6345 Penn Avenue South.**

**EXECUTIVE SUMMARY:**

On October 28, 2015, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Davanni's, Inc., d/b/a Davanni's Pizza and Hot Hoagies. All required information and documents have been received. All licensing fees have been paid.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Davanni's, Inc., d/b/a Davanni's Pizza and Hot Hoagies, 6345 Penn Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 28, 2015, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Davanni's, Inc. d/b/a Davanni's Pizza and Hot Hoagies.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are not delinquent.
- Proof of liquor liability insurance coverage has been provided showing West Bend Mutual affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 99% of the total sales, while the liquor accounted for 1% of the total sales.
- Environmental health staff has received no complaints regarding Davanni's Pizza and Hot Hoagies for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. The Public Safety Director has reviewed the background investigation report. None of the information in the report would cause the Public Safety Director to recommend denial of the requested license.

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Wine establishments to comply with all the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Melissa Morrissette, General Manager

**ATTACHMENTS:**

Description	Type
▣ Davanni's Pizza and Hot Hoagies Summary of Background Backup Material	

SUMMARY OF BACKGROUND INVESTIGATION FOR DAVANNI'S, INC. d/b/a  
DAVANNI'S PIZZA AND HOT HOAGIES

Officer(s):

Robert John Stupka – President  
Gladstone McKinley Stenson – Owner/CEO  
Kristina Stenson Silva – Owner  
Katherine Jane Stenson – Owner

Criminal History:

Robert Stupka has no known criminal record. Gladstone Stenson has no known criminal record. Kristina Silva has no known criminal record. Katherine Stenson has no known criminal record. Melissa Morrisette, who serves as the General Manager, has no known criminal record.

Premises:

Rich D, LLC is the owner of the property. The lease between the applicant and the landlord is in effect with all payments current.

Record of Service Calls:

There were two Public Safety/Police contacts with Davanni's from October 2014 through September 2015. This compares with three contacts for the previous year, when they held only a 3.2 Percent Malt Liquor license. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Davanni's Pizza and Hot Hoagies was 2007.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owner of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## **Davanni's Pizza and Hot Hoagies**

### **Directors and Officers**

Robert John Stupka	Owner/President
Gladstone McKinley Stenson	Owner/CEO
Kristina Stenson Silva	Owner
Katherine Jane Stenson	Owner

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## **PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

## **Davanni's Pizza and Hot Hoagies**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>3</b>	<b>2</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>3</b>	<b>0</b>
Incidents (see bottom of page for specifics)	(3)	(0)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>0</b>	<b>2</b>
Assists	(0)	(1)
Traffic	(0)	(1)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

There were no criminal contacts from October 2014 through September 2015.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 211**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for My Burger Operations, LLC d/b/a My Burger, 6555 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On November 6, 2015, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for My Burger Operations, LLC, d/b/a My Burger. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Wine and 3.2 Percent Malt Liquor licenses for My Burger Operations, LLC, d/b/a My Burger, 6555 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 6, 2015, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for My Burger.

The applicant has satisfied the following requirements for issuance of licenses:

- The required license fees have been paid.
- Real estate taxes are current.
- Proof of commercial and liquor liability insurance have been received showing West Bend Mutual as affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. Due to this being a new license, this statement covers the period from August 2015 through September 2015, and indicates food sales accounted for 97% of the total sales, while liquor accounted for 3% of the total sales.

The Public Safety background investigation has been completed. The results of the investigation are



summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Wine and 3.2 Percent Malt Liquor license establishments to comply with all the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

Licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date. However, this will delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

John Abdo - President/On Premise Manager

**ATTACHMENTS:**

Description	Type
My Burger Background Summary	Backup Material

## SUMMARY OF BACKGROUND INVESTIGATION FOR MY BURGER OPERATIONS, LLC D/B/A MY BURGER

### Officers:

John Lawrence Abdo – President  
Paul Melvin Abdo – Vice President  
Lawrence William Abdo - Chairman

### Criminal Histories:

John Abdo, who also serves as the On-Premise Manager, has no known criminal record. Paul Abdo has no known criminal record. Lawrence Abdo has no known criminal record.

### Premises:

Lyndale Station, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

### Record of Service Calls:

There were zero Public Safety/Police contacts with My Burger from October 2014 through September 2015. My Burger opened in August 2015 so there are no prior records to compare. There are no contacts to attach to this report.

### Violations:

Being this is a new business, there are no violations for sale of alcohol to underage youth.

### Routine Information:

On-sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.



**STAFF REPORT NO. 212**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for Frenchman's Pub, Inc. d/b/a Frenchman's, 1400 66th Street East.**

**EXECUTIVE SUMMARY:**

On October 30, 2015, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for Frenchman's Pub, Inc. d/b/a Frenchman's. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

This agenda item is the first request out of ten for the renewal on On-Sale Intoxicating and Sunday Liquor licenses. Of the remaining nine, if no Council member objects, the Council may conduct a single public hearing for all of the licenses approvals and may pass all of the resolutions with a single motion. If a single/individual public hearing is called, the Mayor should require each speaker to identify the particular license to which the person is speaking. Any Council member may request that the question be divided, if the Council member wishes to address any one or all of the proposed resolutions by a separate motion.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for Frenchman's Pub, Inc. d/b/a Frenchman's, 1400 66th Street East.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2015, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses for Frenchman's. The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.

- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Illinois Casualty affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 54% of the total sales, while liquor accounted for 46% of the total sales.
- Environmental health staff has received no complaints regarding Frenchman's for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested license.

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Mary Christine Blake, Owner

**ATTACHMENTS:**

Description	Type
□ Frenchman's Summary of Background	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR FRENCHMAN'S PUB,  
INC. d/b/a FRENCHMAN'S

Officers:

Mary Christine Blake, Owner

Criminal History:

Mary Christine Blake has a felony drug conviction from 1996, a DWI in 1999, a DWI in 2004, a fifth degree drug conviction in 2005 and a first degree DWI in 2007. Brant Ostlund, who serves as the On Premise Manager, has a DWI from 2008.

Premises:

Mary Blake is the owner of the property and Venture Bank in Bloomington is the Mortgage Company. All payments are current.

Record of Service Calls:

There were 22 Public Safety/Police contacts with Frenchman's from October 2014 through September 2015. This compares with 32 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Frenchman's was June 8, 2004.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal on On-Sale Intoxicating and Sunday Liquor sales.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

**Frenchman's**  
**Directors and Officers**

Mary Christine Blake

Owner

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**PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

**Frenchman's**

<b><u>TOTAL CONTACTS</u></b>	<b><u>2014</u></b> <b>32</b>	<b><u>2015</u></b> <b>22</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>22</b>	<b>13</b>
Incidents (see bottom of page for specifics)	(16)	(8)
Alarm	(6)	(5)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>10</b>	<b>9</b>
Assists	(8)	(3)
Traffic	(2)	(6)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: one disturbance, three assault, one trespass, one welfare check, one theft, one suspicious activity and five alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 213**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses with outside service, for Thompson's Fireside Pizza, Inc., d/b/a Fireside Foundry, 6736 Penn Avenue South.**

**EXECUTIVE SUMMARY:**

On November 2, 2015, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses with outside service, for Thompson's Fireside Pizza, Inc., d/b/a Fireside Foundry. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses with outside service, for Thompson's Fireside Pizza, Inc., d/b/a Fireside Foundry, 6736 Penn Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 2, 2015, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses with outside service for Fireside Foundry.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are current.
- Proof of commercial and liquor liability insurance have been received showing West Bend Mutual as affording coverage. Worker's compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 83% of the total sales, while liquor accounted for 17% of the total sales.
- Environmental health staff has received no complaints regarding Fireside Foundry for the previous

year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Intoxicating and Sunday liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this will delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Rich Thompson, Owner and Kim Zeigler, On Premise Manager

**ATTACHMENTS:**

Description	Type
☐ Fireside Foundry Summary of Background	Backup Material



SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR THOMPSON'S FIRESIDE PIZZA, INC. d/b/a FIRESIDE FOUNDRY

Officers:

Richard Bruce Thompson, Owner

Criminal History:

Richard Bruce Thompson has no known criminal record. Kim Zeigler, who serves as the General Manager, has no known criminal record.

Premises:

Richard Bruce Thompson is the owner of the property.

Record of Service Calls:

There were five Public Safety/Police contacts with Fireside Foundry from October 2014 through September 2015. This compares with three contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

Thompson's Fireside Foundry has received no violations for the sale of alcohol to underage youth.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## **Fireside Foundry**

### **Directors and Officers**

Richard Bruce Thompson

Owner

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## **PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

### **Fireside Foundry**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>3</b>	<b>5</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>2</b>	<b>2</b>
Incidents (see bottom of page for specifics)	(1)	(2)
Alarm	(1)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>1</b>	<b>3</b>
Assists	(0)	(1)
Traffic	(1)	(2)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: one disturbance and one DWI.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 214**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for Paisan Incorporated, d/b/a Khan's Mongolian Barbeque, 500 78th Street East.**

**EXECUTIVE SUMMARY:**

On November 2, 2015, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, for Paisan Incorporated, d/b/a Khan's Mongolian Barbeque. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for Paisan Incorporated d/b/a Khan's Mongolian Barbeque, 500 78th Street East.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 2, 2015, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses for Khan's Mongolian Barbeque.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing State Auto P&C affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 94% of the total sales, while liquor accounted for 6% of the total sales.
- Environmental health staff has received no complaints regarding Khan's Mongolian Barbeque for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Mitchell Law, Owner

**ATTACHMENTS:**

Description	Type
□ Khan's Summary of Background	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR PAISAN, INC. D/B/A KHAN'S MONGOLIAN BARBEQUE

Officers:

Mitchal Law, Owner/President  
Paisan Law, Vice President

Criminal History:

Mitchell Law, who also serves as the On Premise Manager, has a DWI conviction from 2010. Paisan Law has a DWI conviction from 2006.

Premises:

The property is owned by Roy A. Bogen. The lease between the property owner and the applicant is in effect. All payments are current.

Record of Service Calls:

There were eight Public Safety/Police contacts with Khan's Mongolian Barbeque from October 2014 through September 2015. This compares with eight contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth for Khan's Mongolian Barbeque was on September 30, 2005.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## Khan's Mongolian Barbeque

### Directors and Officers

Mitchal Wellington Law  
Paisan Shieh Law

Owner/President/Secretary  
Vice President/Treasurer

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## PUBLIC SAFETY CONTACTS

October 2014 through September 2015

### Khan's Mongolian Barbeque

	<u>2014</u>	<u>2015</u>
<b><u>TOTAL CONTACTS</u></b>	<b>8</b>	<b>8</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>7</b>	<b>7</b>
Incidents (see bottom of page for specifics)	(2)	(6)
Alarm	(5)	(1)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>1</b>	<b>1</b>
Assists	(0)	(0)
Traffic	(1)	(1)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: two unwanted guests, two suspicious vehicles, one auto theft, one missing person and one alarm.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 215**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with outside service, and with the optional 2 a.m. closing, for Pizza Luce VII, Inc., d/b/a Pizza Luce, 800 66th Street West.**

**EXECUTIVE SUMMARY:**

On October 30, 2015, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with outside service, and the optional 2 a.m. closing, for Pizza Luce VII, Inc., d/b/a Pizza Luce. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with outside service, and the optional 2 a.m. closing, for Pizza Luce VII, Inc., d/b/a Pizza Luce, 800 66th Street West.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2015, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses, with outside service, and with the optional 2 a.m. closing, for Pizza Luce.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Mid-Century Insurance Company affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 82% of the

total sales, while liquor accounted for 18% of the total sales.

- Environmental health staff has received no complaints regarding Pizza Luce for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses, with outside seating, and the optional 2 a.m. closing.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Michael Brundage, General Manager

**ATTACHMENTS:**

Description	Type
□ Pizza Luce Summary of Background	Backup Material



SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR PIZZA LUCE VII, INC. d/b/a PIZZA LUCE

Officers:

Joseph Bernard Baier, Owner, President  
Scott Herbert Nelson, Owner, Vice President  
Julie Jon Haywood, Owner, CEO  
Laura Jayne Hansen, Owner, COO

Criminal History:

Joseph Baier has no known criminal record. Scott Nelson has no known criminal record. Julie Haywood has no known criminal record. Laura Hansen has no known criminal record. Michael Brundage, who serves as On Premise Manager, has no known criminal record.

Premises:

The property is owned by JBB Properties, LLC, associated with Joseph Bernard Baier. This site was purchased outright and there is no mortgager.

Record of Service Calls:

There were 49 Public Safety/Police contacts with Pizza Luce VII, Inc. from October 2014 through September 2015. This compares with 39 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There are no violations for the sale of alcohol to underage youth for Pizza Luce VII, Inc.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses, with outside seating and the optional 2 a.m. closing.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## Pizza Luce

### Directors and Officers

Joseph Bernard Baier	Owner, President
Scott Herbert Nelson	Owner, Vice President
Julie Jon Haywood	Owner, CEO
Laura Jayne Hansen	Owner, COO

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## PUBLIC SAFETY CONTACTS

October 2014 through September 2015

### Pizza Luce

	<u>2014</u>	<u>2015</u>
<b><u>TOTAL CONTACTS</u></b>	<b>39</b>	<b>49</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>21</b>	<b>27</b>
Incidents (see bottom of page for specifics)	(17)	(14)
Alarm	(4)	(13)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>18</b>	<b>22</b>
Assists	(10)	(5)
Traffic	(8)	(14)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(3)

The criminal contacts from October 2014 through September 2015 were: two disturbances, one terroristic threat, two suspicious vehicles, two welfare checks, one DWI, two thefts, two customer troubles, one fight, one intoxicated person and 13 alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 216**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with the optional 2 a.m. closing and outside service, for Last Call Operating Co. II, Inc., d/b/a Champps Americana, 790 West 66th Street.**

**EXECUTIVE SUMMARY:**

On November 12, 2015, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with the optional 2 a.m. closing and outside service, for Last Call Operating Co. II, Inc., d/b/a Champps Americana. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with the optional 2 a.m. closing and outside service, for Last Call Operating Co. II, Inc., d/b/a Champps Americana, 790 West 66<sup>th</sup> Street.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 12, 2015, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses, with the optional 2 a.m. closing and outside service, for Champps Americana.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Zurich American Insurance Company affording coverage. Worker's compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 63% of the

total sales, while liquor accounted for 37% of the total sales.

- Environmental health staff has received no complaints regarding Champps Americana for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Champps representative

**ATTACHMENTS:**

Description	Type
□ Champps Summary of Background	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR LAST CALL OPERATING CO. II, INC d/b/a CHAMPPS AMERICANA

Officers:

Stephanie Medley, President  
Jeffrey Burrus, Vice President  
Roy Messing, Director  
Jonathan Tibus, CEO  
James Keith Zielke, Treasurer/Secretary/CFO

Criminal History:

Stephanie Medley has no known criminal record. Jeffrey Burrus has no known criminal record. Roy Messing has no known criminal record. Jonathan Tibus has no known criminal record. James Zielke has no known criminal record. Robert Warren, who serves as General Manager, has a DWI conviction from 2008.

Premises:

Market Plaza Commercial LTD., c/o G & P Properties, Inc. is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 49 Public Safety/Police contacts with Champps Americana from October 2014 through September 2015. This compares with 28 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Champps Americana was April 3, 2008, which occurred while under previous ownership.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## Champps Americana

### Directors and Officers

Stephanie Medley	President
Jeffrey Burrus	Vice President
Roy Messing	Director
Jonathan Tibus	CEO
James Keith Zielke	Treasurer/Secretary/CFO

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## PUBLIC SAFETY CONTACTS

October 2014 through September 2015

### Champps Americana

	<u>2014</u>	<u>2015</u>
<b><u>TOTAL CONTACTS</u></b>	<b>28</b>	<b>49</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>16</b>	<b>18</b>
Incidents (see bottom of page for specifics)	(16)	(18)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>12</b>	<b>31</b>
Assists	(3)	(15)
Traffic	(8)	(14)
Inspections/Licensing	(0)	(0)
Medical/Fire	(1)	(2)

The criminal contacts from October 2014 through September 2015 were: one warrant arrest, five disturbances, two suspicious activity, two suspicious vehicle, one theft, two unwanted guest, three customer trouble, one DWI and one welfare check.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 217**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing regarding the approval of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for GM Richfield, LLC, d/b/a Four Points by Sheraton Minneapolis Airport, 7745 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On November 2, 2015, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses for GM Richfield, LLC, d/b/a Four Points by Sheraton Minneapolis Airport, 7745 Lyndale Avenue South.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for GM Richfield, LLC, d/b/a Four Points by Sheraton Minneapolis Airport, 7745 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 2, 2015, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses for Four Points by Sheraton Minneapolis Airport.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are current.
- Proof of liquor liability insurance has been received showing Ohio Security Insurance affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. Due to this being a new license, this statement covers the period from June 2015 through September 2015, and indicates food sales accounted for 80% of total sales, while liquor accounted for 20% of the total sales.
- Environmental health staff has received no complaints regarding Four Points by Sheraton

Minneapolis Airport for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested license.

On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this will delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Four Points by Sheraton Minneapolis Airport representative

**ATTACHMENTS:**

Description	Type
▣ Four Points By Sheraton Minneapolis Airport	Backup Material



SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR GM RICHFIELD, LLC. d/b/a FOUR POINTS BY SHERATON MINNEAPOLIS  
AIRPORT

Officers:

Sharon Gangl, President  
David Meyer, Vice-President

Criminal History:

Sharon Gangl has no known criminal record. David Meyer has no known criminal record. Adam Selby, who serves as the On Premise Manager, has no known criminal record.

Premises:

The property is owned by First International Bank. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 19 Public Safety/Police contacts with Four Points by Sheraton Minneapolis Airport from October 2014 through September 2015. This compares with 54 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There are no violations for the sale of alcohol to underage youth for Four Points by Sheraton Minneapolis Airport.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## **Four Points by Sheraton Minneapolis Airport**

### **Directors and Officers**

Sharon Gangl  
David Meyer

President  
Vice-President

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## **PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

### **Four Points by Sheraton Minneapolis Airport**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>54</b>	<b>19</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>17</b>	<b>8</b>
Incidents (see bottom of page for specifics)	(17)	(8)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>37</b>	<b>11</b>
Assists	(30)	(8)
Traffic	(5)	(1)
Inspections/Licensing	(0)	(0)
Medical/Fire	(2)	(2)

The criminal contacts from October 2014 through September 2015 were: one unwanted guest, four thefts, one domestic and two customer troubles.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 218**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with outside service, for Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, 6601 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On October 30, 2015, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with outside service, for Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with outside service, for Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, 6601 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2015, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses, with outside service, for Houlihan's Restaurant & Bar.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing General Casualty Company of Wisconsin affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 68% of the total sales, while liquor accounted for 32% of the total sales.

- Environmental health staff has received no complaints regarding Houlihan's Restaurant & Bar for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Houlihan's representative

**ATTACHMENTS:**

Description	Type
□ Houlihan's Restaurant & Bar Summary of Background	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR WILTSHIRE RESTAURANTS, LLC d/b/a HOULIHAN'S RESTAURANT & BAR

Officers:

Paul Smith Kirwin, President

Criminal History:

Paul Smith Kirwin has no known criminal record. Lois Bergson, who serves as the General Manager, has no known criminal record.

Premises:

Cushman and Wakefield is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 15 Public Safety/Police contacts with Houlihan's Restaurant & Bar from October 2014 through September 2015. This compares with 28 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Houlihan's was July 16, 2001.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## Houlihan's Restaurant & Bar

### Directors and Officers

Paul Smith Kirwin                      President

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## PUBLIC SAFETY CONTACTS

October 2014 through September 2015

## Houlihan's Restaurant & Bar

	<u>2014</u>	<u>2015</u>
<b><u>TOTAL CONTACTS</u></b>	<b>28</b>	<b>15</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>17</b>	<b>9</b>
Incidents (see bottom of page for specifics)	(17)	(9)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>11</b>	<b>6</b>
Assists	(3)	(4)
Traffic	(1)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(7)	(2)

The criminal contacts from October 2014 through September 2015 were: two customer troubles, three welfare checks, one suspicious vehicle, one theft from auto, one trespass and one disturbance.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 219**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for El Tejaban Mexican Restaurant, LLC d/b/a El Tejaban Mexican Grill, 6519 Nicollet Avenue South.**

**EXECUTIVE SUMMARY:**

On November 10, 2015, the City received the application and other required documents for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for El Tejaban Mexican Restaurant, LLC d/b/a El Tejaban Mexican Grill. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for El Tejaban Mexican Restaurant, LLC d/b/a El Tejaban Mexican Grill, 6519 Nicollet Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 10, 2015, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for El Tejaban Mexican Grill.

The applicant has satisfied the following requirements for the issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been provided showing Travelers Casualty Insurance Company of America affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 86% of the

total sales, while liquor accounted for 14% of the total sales.

- Environmental health staff has received no complaints regarding El Tejaban Mexican Grill for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor, with optional 2 a.m. closing, establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Miguel Hernandez, Owner

**ATTACHMENTS:**

Description	Type
□ El Tejaban Summary of Background	Backup Material



SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR EL TEJABAN MEXICAN RESTAURANT, LLC d/b/a EL TEJABAN MEXICAN  
GRILL

Officers:

Miguel Hernandez, Owner  
Rosa Zambrano, Owner

Criminal History:

Miguel Hernandez, who also serves as On-Premise Manager, has a disorderly conduct from 2011. Rosa Zambrano has no known criminal record.

Premises:

Centro Bradley SPE, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 12 Public Safety/Police contacts with El Tejaban Mexican Grill from October 2014 through September 2015. This compares with 11 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth for El Tejaban Mexican Grill.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## **El Tejaban Mexican Grill**

### **Directors and Officers**

Miguel Hernandez	Owner
Rosa Zambrano	Owner

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## **PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

### **El Tejaban Mexican Grill**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>11</b>	<b>12</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>8</b>	<b>7</b>
Incidents (see bottom of page for specifics)	(8)	(5)
Alarm	(0)	(2)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>3</b>	<b>5</b>
Assists	(2)	(5)
Traffic	(1)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: one DWI, one suspicious vehicle, one theft, one credit card fraud, one trespassing, and two alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 220**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for Don Pablo's Operating, LLC, d/b/a Don Pablo's, 980 78th Street West.**

**EXECUTIVE SUMMARY:**

On October 26, 2015, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses for Don Pablo's Operating, LLC, d/b/a Don Pablo's. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for Don Pablo's Operating, LLC, d/b/a Don Pablo's, 980 78<sup>th</sup> Street West.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 26, 2015, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses for Don Pablo's.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Liberty Mutual Insurance Company affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates food sales accounted for 86% of the total sales, while liquor accounted for 14% of the total sales.
- Environmental health staff has received no complaints regarding Don Pablo's for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested license.

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Ehrick Holland, On Premise Manager

**ATTACHMENTS:**

Description	Type
☐ Don Pablo's Summary of Background	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR DON PABLO'S OPERATING, LLC d/b/a DON PABLO'S

Officers:

Allen Jones, President  
Jason Kemp, Secretary  
Larry Harris, Chairman

Criminal History:

Allen Jones has no known criminal record. Jason Kemp has no known criminal record. Larry Harris has no known criminal record. Ehrick Holland, who serves as the On-Premise Manager, has no known criminal record.

Premises:

CSM Investors, Inc. is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 21 Public Safety/Police contacts with Don Pablo's from October 2014 through September 2015. This compares with 21 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth for Don Pablo's was on October 5, 2006.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## **Don Pablo's**

### **Directors and Officers**

Allen Jones  
Jason Kemp  
Larry Harris

President  
Secretary  
Chairman

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## **PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

### **Don Pablo's**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>21</b>	<b>21</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>8</b>	<b>6</b>
Incidents (see bottom of page for specifics)	(6)	(4)
Alarm	(2)	(2)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>13</b>	<b>15</b>
Assists	(8)	(4)
Traffic	(5)	(10)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(1)

The criminal contacts from October 2014 through September 2015 were: one unwanted guest, one disturbance, one suspicious vehicle, one DWI and two alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 221**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director  
11/30/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing for the consideration of the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for Lyn 65, LLC, d/b/a Lyn 65 Kitchen & Bar, 6439 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On November 6, 2015, the City received the application and other required documents for the renewal of On-Sale Intoxicating and Sunday Liquor licenses for Lyn 65, LLC, d/b/a Lyn 65 Kitchen & Bar. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2016 On-Sale Intoxicating and Sunday Liquor licenses for Lyn 65, LLC, d/b/a Lyn 65 Kitchen & Bar, 6439 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 6, 2015, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses for Lyn 65 Kitchen & Bar.

The applicant has satisfied the following requirements for the issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Ohio Security affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2014 through September 2015, and indicates that food sales accounted for 73% of the total sales, while liquor accounted for 27% of the total sales.
- Environmental health staff has received no complaints regarding Lyn 65 Kitchen & Bar for the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. None of the information in the report shows any cause for recommending denial of the requested licenses.

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Bruce Hinks, Owner

**ATTACHMENTS:**

Description	Type
☐ Lyn 65 Kitchen & Bar Summary of Background	Backup Material



SUMMARY OF BACKGROUND INVESTIGATION FOR LYN 65, LLC  
d/b/a LYN 65 KITCHEN & BAR

Officers:

Bruce Hinks, President  
Ken Clark, Vice-President  
Ben Rients, Secretary

Criminal Histories:

Bruce Hinks has no known criminal record. Ken Clark has no known criminal record. In 2005, Ben Rients was charged with a misdemeanor DWI in 2005 and intent to escape motor vehicle tax in 2012.

Premises:

The property is owned by the applicants with a mortgage for the property. The mortgage company on record is Stancorp Mortgage Investors.

Record of Service Calls:

There were 15 Public Safety/Police contacts with Lyn 65 from October 2014 through September 2015. This compares with nine contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth for Lyn 65 Kitchen & Bar.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on November 26, 2015.

## **Lyn 65 Kitchen & Bar**

### **Directors and Officers**

Bruce Hinks  
Ken Clark  
Ben Rients

President  
Vice-President  
Secretary

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## **PUBLIC SAFETY CONTACTS**

**October 2014 through September 2015**

### **Lyn 65 Kitchen & Bar**

	<b><u>2014</u></b>	<b><u>2015</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>9</b>	<b>15</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>3</b>	<b>10</b>
Incidents (see bottom of page for specifics)	(1)	(5)
Alarm	(2)	(5)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>6</b>	<b>5</b>
Assists	(6)	(2)
Traffic	(0)	(3)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2014 through September 2015 were: one theft from auto, one suspicious activity, one suspicious vehicle, one attempt to locate, one unwanted guest and five alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 222**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Elizabeth Finnegan, Civil Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
12/1/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing regarding an application for a noise ordinance variance to the Metropolitan Council to allow operation of temporary conveyance systems and cured-in-place pipe (CIPP) liner curing equipment during overnight hours related to the 66th Street reconstruction project.**

**EXECUTIVE SUMMARY:**

The Metropolitan Council will use baffles and sound enclosures to minimize the noise around generators needed to keep the bypass sanitary flow moving during the rehabilitation of their main. The maximum volume is expected to be approximately 85 decibels at the property lines which according to decibel tables is equivalent to "city traffic inside of a car."

The Metropolitan Council is requesting an overnight noise ordinance variance from 10:00 p.m. to 8:00 a.m Monday through Saturday from:

- January 1, 2016 - July 1, 2016
- November 1, 2016 - May 1, 2017

The overnight noise will last several days at a time in various locations along 66th Street (Humboldt Avenue to 11th Avenue). The Contractor will notify resident's and business's within 500 feet of the noise prior to any overnight work.

Impacted residents were invited to attend and open house on December 2, 2015 and were notified of this public hearing.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the noise ordinance variance application related to the 66th Street reconstruction project.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

The Metropolitan Council is planning to work ahead of the 66th Street Road Reconstruction project to rehabilitate their sanitary sewer interceptor by lining the pipe. The current pipe is 62 years old and the CIPP lining is expected to last an additional 50+ years.

In order to do this work, 24 hour bypass pumping is required with the use generators.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

In order to grant a noise ordinance variance lasting longer than 15 days, the following must occur:

- Public hearing regarding application for a noise ordinance variance.
- Approval of the noise ordinance variance application by City Council and signed by City staff.

The Metropolitan Council sent notification to properties within 500 feet of the noise source/project that they were requesting this noise variance before the City Council on December 8.

**C. CRITICAL TIMING ISSUES:**

The public hearing and approval of the variance application must be granted in order for the CIPP lining to stay ahead of the upcoming 66th Street Reconstruction project.

**D. FINANCIAL IMPACT:**

There is no financial impact to the City.

**E. LEGAL CONSIDERATION:**

Richfield City Code requires the Council to hold a public hearing before granting a noise ordinance variance for more than 15 days.

**ALTERNATIVE RECOMMENDATION(S):**

The City Council may choose not to grant the noise exemption variance and direct staff on how to proceed.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Area Residents

**ATTACHMENTS:**

Description	Type
☐ Noise Exemption Variance Application	Cover Memo
☐ Project Map	Cover Memo

**CITY OF RICHFIELD**  
Application for Noise Ordinance Exemption

Party applying for an exemption to Richfield's Noise Ordinance

Name: Metropolitan Council / Bryce Pickart AGM

Street Address: 390 Robert Street

City, State and ZIP St. Paul, MN 55101

Telephone No. 651-602-1091 FAX No. 651-602-1083

E-mail Address bryce.pickart@metc.state.mn.us

Noise emanating from the project may exceed limits only with a valid permit.  
Construction Noise is limited to the hours of 7:00 AM to 10:00 PM Monday through Friday and 8:00 AM to 10:00 PM Saturdays.

Location for which exemption is applied: 66<sup>th</sup> St. between Humboldt and 11<sup>th</sup> Ave, various locations

Hours for which exemption is requested: 10:00 PM through 8:00 AM Mon. through Saturday

Date(s) for which exemptions are requested: 4/1/16 - 7/1/16 and 11/1/16 - 5/1/17

Purpose of Exemption: to allow operation of temporary conveyance systems and CIP liner curing equipment over  
Nature of the noise source: generators / boiler trucks nights for several days at a time during requested dates.  
Steps taken to minimize noise level: baffles and sound enclosures around generators

Fee \$ \_\_\_\_\_ = \$25.00 per exemption.

Date: 11/17/15

Applicant's Name Bryce J. Pickart Applicants Signature Bryce J. Pickart

Approved \_\_\_\_\_ Date: \_\_\_\_\_  
Public Works Director

Approved \_\_\_\_\_ Date: \_\_\_\_\_  
City Manager

\*Contractor must notify residents/business's within 500 feet of the construction work zone.

## 66th Street Regional Sewer Improvements Project





**STAFF REPORT NO. 223**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Pam Dmytrenko, Assistant City Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
12/2/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the second reading of an ordinance creating a new city code section requiring permits for motion picture and commercial photography events and adopting a resolution approving summary publication of the ordinance.**

**EXECUTIVE SUMMARY:**

Over the past year, the City has received an increase in the number of requests to hold commercial film and photography events in the City. Currently, there is no ordinance language or standard permitting process in place to regulate these types of activities to protect the health, safety and general welfare of the public.

Staff researched applications and fees from surrounding cities and drafted a city code ordinance and created an application process. The proposed ordinance language provides clear guidelines, procedures and processes for the issuance of permits.

A first reading of the proposed ordinance was approved at the November 24, 2015 City Council meeting.

**RECOMMENDED ACTION:**

**By motion: 1) Approve the second reading of an ordinance requiring permits for motion picture and commercial photography events and 2) adopt a resolution approving summary publication of the ordinance.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

Within the past year, the City has been approached by various individuals and companies requesting to use areas of the City for motion picture or commercial photography events. Currently, the City has no ordinance language or guidelines regulating these types of activities to protect the health, safety and general welfare of the public.

In doing research, staff found that most of the surrounding cities do require a permit for commercial

filming and photography. Staff reviewed applications and fees from surrounding cities and drafted a city code ordinance and created an application process. The proposed ordinance language provides clear guidelines, procedures and processes for the issuance of permits.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

The proposed ordinance language would be added to the City Code under a new Section 1197, pertaining to motion pictures and commercial photography.

**C. CRITICAL TIMING ISSUES:**

The City has recently and continues to be approached by individuals and companies interested in conducting motion picture and commercial photography events in the City. The goal is to have the ordinance language and fees in place by January 1, 2016.

**D. FINANCIAL IMPACT:**

- A permit application fee will be included in Appendix D.
- Any additional costs associated with motion picture or commercial photography events will be borne by the permit holder.

**E. LEGAL CONSIDERATION:**

The ordinance language has been reviewed by the City Attorney.

**ALTERNATIVE RECOMMENDATION(S):**

Do not approve the ordinance requiring permits for motion picture and commercial photography events or suggest modifications to the proposed language.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
❑ Motion Picture Ordinance	Ordinance
❑ Resolution of Summary Publication	Resolution Letter



**BILL NO. \_\_\_\_\_**

**AN ORDINANCE CREATING A NEW CITY CODE SECTION 1197  
PERTAINING TO MOTION PICTURES AND COMMERCIAL PHOTOGRAPHY**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. A new Section 1197 is inserted into the Richfield City Code as follows:

**SECTION 1197 – MOTION PICTURES AND COMMERCIAL PHOTOGRAPHY**

**1197.01. Purpose and objectives.**

The purpose of this Section is to establish standards to protect the health, safety and the general welfare of the public from the undesirable effects associated with the filming of motion pictures and other commercial filming or photography.

**1197.03. Definitions.**

**Subdivision. 1.** “Commercial photography” means all activities associated with the production of motion photography or still photography for which a fee is charged for the use, reproduction or showing of the product of the photography, including, but not limited to, motion pictures, commercials, advertisements, videos or other similar products.

**1197.05. Permit required; exception.**

No person shall engage in commercial photography on any privately-owned property, publicly-owned property, or public rights-of-way unless a permit has been procured therefor. Provided, however, no permit shall be required for the following:

**Subdivision 1.** Commercial photography taking place on private property, provided that: (a) publicly-owned property or public rights-of-way are not used for staging, storage or parking vehicles or equipment; (b) the city manager determines that there will be no disruption to surrounding properties due to noise, traffic, or other similar issues; and (c) no city staff or resources are being utilized.

**Subd. 2.** Commercial photography intended only for the use and enjoyment of those individuals whose person or property are being filmed and for which there is no commercial value, such as family portraiture and wedding photography.

**Subd. 3.** Commercial photographers operating as a lawful home occupation.

1197.07. Contents of application.

**Subdivision 1.** Any person desiring a permit to conduct commercial photography shall make application on a form provided by the city clerk. The applicant shall set forth:

- (a) The name, address and telephone number of the person responsible to fulfill the obligations of the applicant;
- (b) The location of the place where the commercial photography will take place;
- (c) Whether the commercial photography involves still photography or motion photography;
- (d) The time and duration of the filming and related activities;
- (e) Whether or not artificial lighting will be used;
- (f) A description of the equipment that will be used;
- (g) A description of proposed parking areas, street and sidewalk closures and outdoor staging areas;
- (h) A description of the proposed use of city equipment and personnel; and
- (i) An estimate of personnel and equipment needed for the purpose of crowd control, security, traffic control and other public safety needs.

1197.09. Fee.

The fee for a permit required by this Section shall be in the amount set forth in Appendix D. The city may also establish and charge a fee for the rental of city-owned property for commercial photography. In addition to the permit fee, the applicant shall pay all costs and expenses incurred by the city in connection with the commercial photography. Such costs and expenses shall include, but not be limited to, charges for personnel, equipment and damage to streets and other public property. Based upon the information contained in the permit application, the applicant shall deposit with the city clerk a prepayment of the city's estimated costs and expenses. At the conclusion of the commercial photography, actual costs below or in excess of the estimate will be refunded by the city or paid by the applicant as the case may be.

1197.11. Review and approval process.

**Subdivision 1. Procedure.** Applications for permits to allow commercial photography sessions shall be reviewed and approved as set forth in this subsection and subsections 1197.13 and 1197.15.

**Subd. 2. City manager issuance.** The city manager will approve permit applications for the following:

- (a) Commercial photography that does not exceed three consecutive days in duration. Provided, however, the city manager may issue a commercial photography permit for up to ten consecutive days in duration, provided that all photography and artificial lighting takes place indoors and all parking, storage and staging needs are accommodated on the property subject to the permit.
- (b) Commercial photography in which no outdoor filming or outdoor artificial lighting takes place before 7:00 a.m. or after 10:00 p.m.; provided, however, the city manager may authorize outdoor filming and lighting before 7:00 a.m. and after 10:00 p.m., if owners of all residential properties situated wholly or partly within 300 feet of the commercial photography location grant written approval for such activities.
- (c) Commercial photography that takes place only on city-owned property.

1197.13. Permit issuance requirements.

**Subdivision 1.** Notwithstanding subsection 1197.11, subd. 2, the city manager will not issue a permit unless the city manager finds that:

- (a) The commercial photography will not endanger the public health, safety, morals or general welfare; and
- (b) The commercial photography will not cause undue traffic hazards, congestion or parking shortages; and
- (c) The commercial photography will not create an excessive burden or result in damage to parks, streets, rights-of-way or other public property; and
- (d) No commercial photography permit has been issued during the preceding 180 days for a location within 500 feet of the location described in the application; provided, however, the city manager may waive this requirement and issue a new permit if the city manager finds that the purpose and objectives of this Section will be furthered by the issuance of the new permit. The city manager may require the applicant to submit evidence satisfactory to the city manager that demonstrates that properties located in the vicinity of the location proposed for commercial photography will not be adversely affected by the issuance of a new permit.

1197.15. Conditions and restrictions on permit holder.

The city manager may impose conditions and restrictions upon the permit holder as deemed necessary for the protection of the public interest and properties located in the vicinity and to ensure compliance with the requirements of this Code. The city manager may require that the applicant submit evidence that a notice describing the proposed commercial photography, including the proposed dates thereof, has been mailed to all affected property owners as determined by the city manager. If so required, this notice shall be mailed following the issuance of the permit but not less than five days prior to the date the commercial photography will begin.

1197.17. Insurance; indemnity.

The city manager may require the applicant to file with the city clerk a public liability insurance certificate, issued by an insurance company authorized to do business in the state. The policy shall insure the applicant and name the city as an insured in the sum of not less than \$1,000,000.00. The applicant shall also defend, indemnify and hold the city and the city's officials harmless from any loss, cost, damage and expense arising out of the use of any premises for commercial photography.

1197.19. Bond or letter of credit.

The city manager may require the applicant to post a bond or letter of credit as a condition to the issuance of a permit. If so required, the applicant shall file with the city clerk a surety bond that is valid and in force and effect in a sum as determined by the city manager. At the option of the applicant, a letter of credit or cash deposit may be used in lieu of the bond. The letter of credit shall be irrevocable and unconditional, issued by a national or state bank, with its main office located in the Minneapolis-St. Paul Metropolitan Area, and otherwise shall be on terms approved by the city manager. The bond or letter of credit shall be conditioned upon compliance by the applicant with this section and other provisions of this Code and payment to the city of all fees, expenses, fines and penalties required by this Code or state law and payment to the city of any damage the city may sustain by reason of such commercial photography.

1197.21. Duties of permit holder.

Every permit holder under this section shall:

- (a) Use only designated streets and parking areas;
- (b) Promptly restore all public property, streets, sidewalks and rights-of-way to their original condition or better;
- (c) Comply with all conditions and restrictions of the permit; and
- (d) Promptly undertake and complete all filming and related activities.

1197.23. Reserved.

Section 2. This Ordinance will be effective in accordance with Section 3.09 of the City Charter.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

By: \_\_\_\_\_  
Elizabeth VanHoose, City Clerk

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING SUMMARY PUBLICATION OF  
AN ORDINANCE ADOPTING A NEW SECTION 1197 REQUIRING PERMITS FOR  
MOTION PICTURE AND COMMERCIAL PHOTOGRAPHY EVENTS**

**WHEREAS**, the City has adopted the above-referenced ordinance; and

**WHEREAS**, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified; and

**WHEREAS**, the following summary clearly informs the public of the intent and effect of the ordinance.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION  
BILL NO. 2015- \_\_\_\_\_**

**AN ORDINANCE ADOPTING A NEW SECTION 1197 REQUIRING  
PERMITS FOR MOTION PICTURE AND COMMERCIAL  
PHOTOGRAPHY EVENTS WITHIN THE CITY**

On December 8, 2015, the Richfield City Council adopted an ordinance designated as Bill No. \_\_\_\_\_, the title of which is stated above. This summary of the Ordinance is published pursuant to Section 3.12 of the Richfield City Charter. The Ordinance enacts a new Section 1197 into the City Code that establishes a permitting process and associated fee for motion picture and commercial photography events within the City. The Ordinance exempts certain non-commercial events, such as family wedding photography sessions from the process, as well as other events that are held on private property and deemed to be non-disruptive to the City in terms of noise or impact. The Ordinance establishes the criteria and conditions for the application process, including any necessary insurance and assurances that the public health, safety and welfare will be preserved.

**BE IT FURTHER RESOLVED**, that the City Clerk is directed to keep a copy of the Ordinance in her office at City Hall for public inspection and to post a full copy of the Ordinance in a public place in the City for a period of two weeks. Copies of the Ordinance are also available upon request by calling 612-861-9738.

Adopted by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of December, 2015.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 224**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Pam Dmytrenko, Assistant City Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
12/2/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the second reading of an ordinance amending Section 305 of the City Code to codify requirements pertaining to city commissions, the adoption of a resolution approving summary publication of the ordinance and the adoption of a resolution repealing Resolutions 7718, 7983, 8344, 8142, 8933, and 9282 and directing city commissions to amend their respective bylaws to be in compliance with the new city code requirements.**

**EXECUTIVE SUMMARY:**

In an attempt to be responsive to the City Council's 2015 annual goal to enhance the city commission experience and to feedback received from commissioners and staff liaisons who have expressed frustration and difficulty in interpreting and applying the current commissions' inconsistent bylaws, several amendments, both significant and of a housekeeping nature, are proposed for Section 305 of the City Code. For example, the proposed ordinance includes requirements for youth commissioners, residency, attendance at commission meetings, and a consistent process for removal of commissioners.

Overall, the goal of the proposed amendments is to provide more simple, clear and consistent standard procedures governing city commissions.

At its November 24, 2015 work session, the City Council provided feedback on specific provisions, specifically in regards to the attendance requirement. In response, revisions have been made to Subd. 5, *Attendance*, that removes the 75% attendance requirement and automatic removal for failing to meet that requirement. In the new proposed language, the importance of attending meetings is emphasized, as well as notifying the commission chair or staff liaison of any absence. Under Subd. 6, *Removal/Vacancy*, language has been added that indicates the Council can remove commission members for excessive absences from commission meetings.

The other edit to the initial proposed code language is in Subd. 4, *Youth appointments*. The last sentence in the original language was removed that gave voting rights to youth members of all commissions. Based on City Council discussion, it seems more appropriate for each commission to determine if it's youth members should have voting rights or serve in an advisory capacity only.

Changes to the ordinance, made after the Council work session, are shown on the attached excerpt.



If the ordinance revisions are adopted, all commissions will be directed by the City Council to amend their respective bylaws to be in conformance with the new code requirements. Staff is also asking the Council to adopt a resolution that rescinds resolutions relating to commissions that are no longer needed due to the new code language or which are outdated.

### **RECOMMENDED ACTION:**

#### **By Motion:**

- 1) Approve the second reading of an ordinance amending Section 305 of the City Code to codify requirements pertaining to city commissions; and**
- 2) Adopt a resolution approving summary publication of the ordinance; and**
- 3) Adopt a resolution repealing Resolutions 7718, 7983, 8344, 8142, 8933, and 9282 and directing city commissions to amend their respective bylaws in accordance with the new city code requirements.**

### **BASIS OF RECOMMENDATION:**

#### **A. HISTORICAL CONTEXT**

Currently, there are several inconsistencies between city commissions' bylaws and processes. These inconsistencies have resulted in frustration and confusion for both commissioners and staff liaisons to interpret and apply.

In response to the City Council/Staff 2015 goal of enhancing the commission experience and to feedback from commissioners and staff liaisons requesting more simple and consistent procedural rules, several amendments to city code Section 305 are proposed. The amendments are both substantive and housekeeping in nature.

Some of the more significant proposed changes to Section 305 include:

- Clarifying youth appointments to require that youth applicants must be at least 15 years of age, a Richfield resident and currently enrolled in a high school or equivalent;
- Changing the attendance provision to require attendance at all regular commission meetings and notification to the chairperson or staff liaison of any absences. The City Council will monitor commissioner attendance and can remove a commissioner for excessive absences;
- Codifying the rules for residency, commission term lengths and removal/vacancy process rather than having them addressed under separate resolutions;
- Directing that city commissions be in conformance with Section 305; and
- Requiring the use of Sturgis' Standard Code of Parliamentary Procedure.

It is hoped that the adoption of these clear and consistent rules, applicable to all city commissions, will enhance the commission experience by minimizing procedural confusion and providing commissions with the tools necessary to hold effective and productive meetings.

#### **B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- The proposed amendments to Section 305 of the City Code will codify requirements pertaining to city commissions and supersede any city commission bylaws not in conformance.
- The proposed code amendments codify several rules that are currently in resolutions, necessitating the rescission of those resolutions at the December 8, 2015 City Council meeting.

#### **C. CRITICAL TIMING ISSUES:**

- If the ordinance amending Section 305 is approved, all city commissions will be directed by the City Council to bring their respective bylaws into compliance with the new city code requirements in early 2016. This schedule ensures that all commissions will be in conformance when new commissioners are appointed in February 2016.
- The repealing of the outdated/unnecessary resolutions is to coincide with the adoption of the Section 305 code amendments.

#### **D. FINANCIAL IMPACT:**

There is no financial impact associated with this action.

**E. LEGAL CONSIDERATION:**

The City Attorney prepared the proposed ordinance amendments and recommended the process for bringing consistency and conformity to city commissions' standard procedures.

**ALTERNATIVE RECOMMENDATION(S):**

Do not approved the proposed ordinance amendments or suggest modifications to the proposed language.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Commission code amendments	Ordinance
<input type="checkbox"/> Summary publication resolution	Resolution Letter
<input type="checkbox"/> Resolution repealing resolutions	Resolution Letter
<input type="checkbox"/> Changes to ordinance between first & second readings	Backup Material
<input type="checkbox"/> Resolutions to be rescinded	Backup Material

**BILL NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 305 OF THE CITY CODE  
RELATING TO CITY COMMISSIONS AND BOARDS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Section 305 of the Richfield City Code is amended to add the following new subsection 305.00 as follows:

305.00. – Definitions.

**Subdivision 1.** The following terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:

**Subd. 2.** “Commission” means a body established by the City Council to advise the Council on matters of municipal concern. The terms “commission” and “board” may be used interchangeably in this Section.

**Subd. 3.** “Youth” means an individual who is at least 15 years of age.

Sec. 2. Section 305 of the Richfield City Code is amended to add the following new subsection 305.01 as follows:

305.01. – Creation; General requirements. Unless otherwise provided by law or herein, the provisions in this subsection apply to all City commissions.

**Subdivision 1. Creation.** A Commission may be established by a majority of the City Council. The Council shall adopt a resolution or ordinance that will describe the purpose and function of the Commission. City Commissions are advisory bodies to the City Council. The Council shall periodically review the role, responsibilities and procedures of each Commission. The Council may eliminate a Commission by adopting a resolution or ordinance rescinding the resolution or ordinance establishing the Commission.

**Subd. 2. Residency.** Members of city commissions shall be residents of the City, unless an ordinance or resolution expressly provides otherwise.

**Subd. 3. Terms.** The City Council shall appoint members to the commissions for terms not to exceed three years. No member shall serve more than three consecutive terms on the same Commission. Appointment to serve on a Commission for a period of time greater than one-half of a complete term shall be counted as a full term. If the Council appoints an individual who had a break in continuous service of at least one full term, it shall be treated as a first-term appointment. Commissioners may only serve on one Commission at a time.

**Subd. 4. Youth appointments.** The City Council may appoint a maximum of two youth members to certain commissions. Terms for youth appointments shall be one year, commencing on September 1 and ending on August 31. No youth member shall serve more than three consecutive terms on the same Commission. Except as otherwise provided for by resolution of the Council, youth members must be residents of the City and enrolled in a high school or equivalent. A youth member may only serve on one Commission at a time.

**Subd. 5. Attendance.** Members are required to attend regular commission meetings. Commission members shall notify the Commission Chair or staff liaison if he or she is unable to attend a meeting. The Council shall conduct an annual review of the attendance of members of City commissions.

**Subd. 6. Removal/Vacancy.** Commission members serve at the pleasure of the City Council and, unless prohibited by law, may be removed at any time for any reason, including but not limited to, excessive absences from commission meetings. When a vacancy occurs, the Council shall appoint a person to fill the unexpired term of the vacated seat. Unless provided otherwise by law or city resolution, a seat on a Commission is vacated upon any of the following:

- (a) death;
- (b) removal of legal residence in the City;
- (c) resignation in writing presented to the City Manager, or designee;
- (d) removal by the Council; or,
- (e) election or appointment to a public office.

**Subd. 7. Committees.** Commissions may establish committees from time to time as the need arises.

**Subd. 8. Staff/Council Liaisons.** Each January, the City Council shall designate a Council member as liaison and one alternative liaison to each Commission. The City Manager shall appoint one City employee to serve as a staff liaison to each Commission. Council and staff liaisons are not voting members of a Commission.

**Subd. 9. Bylaws/Rules of Procedure.**

- (a) Commissions may adopt bylaws to govern meeting procedures and other matters not addressed in this Section. If the bylaws of a Commission and this Section conflict, this Section shall prevail. Commissions may amend bylaws with approval of a 2/3 majority vote of the Commission.
- (b) At all meetings of a Commission where formal action is required on a matter, the meeting shall be governed by Sturgis' Standard Code of Parliamentary Procedure. At meetings where no action is required, no formal parliamentary procedure shall govern the conduct of the proceedings unless necessary such as when a formal motion is before the Commission.

Sec. 3. Subsection 305.01 of the Richfield City Code is amended as follows:

~~305.01.~~ 305.03 - Establishment of human rights commission.

**Subdivision 1. Scope of Section.** It is declared that it is the public policy of the City to fulfill its responsibilities as a partner of the state department of human rights in securing for all citizens equal opportunity in housing, employment, public accommodations, public services and education, and to fully implement those goals set forth in Minnesota Statutes, ~~e~~Chapter 363A, the Minnesota Human Rights Act.

**Subd. 2. Establishment of commission.** There is established and continued a human rights commission.

**Subd. 3. Purpose of commission.** The purpose of the Commission is to secure for all citizens equal opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of this community and to take appropriate action consistent with the Minnesota Human Rights Act. The Commission shall also advise the City Council on long range programs to improve human relations in the City.

**Subd. 4. Composition of the Commission.** The Commission consists of 13 members appointed by the Council. Eleven members shall be appointed for terms of three (3) years, except that (i) a person appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor in that term was appointed shall be appointed only for the remainder of such, and (ii) two (2) persons shall be appointed as “youth” members for one (1) year terms. The two (2) youth members shall be given all rights, privileges and responsibilities granted to the other appointed members. ~~Upon the expiration of the member’s term of office, a member shall continue to serve until a successor is appointed and qualifies.~~ Members serve without compensation and may be removed from office at any time by the Council, ~~but after a public hearing if a hearing is requested by the member whose removal is being considered.~~

**Subd. 5. Commission’s responsibilities.** The Commission shall:

- (a) Adopt bylaws and rules for the conduct ~~to~~ of its affairs including the election, assumption of duties and definition of responsibilities of officers and committees;
- (b) Engage in discussions with the state department of human rights for the purpose of delineating cooperative regulatory and enforcement procedures;
- (c) Enlist the cooperation of agencies, organizations and individuals in the community in an active program directed to create equal opportunity and eliminate discrimination and inequalities;
- (d) Formulate a human relations program for the City to provide increased effectiveness and direction to the work of all individuals and agencies addressing themselves to planning, policy making and educational programming in the area of civil and human rights;
- (e) Advise the City Council and other agencies of the government on human relations and civil rights problems and act in an advisory capacity with respect to planning or

operation of any City department on issues of civil and human rights and recommend the adoption of such specific policies or actions as are needed to provide for full equal opportunity in the community;

- (f) Study, investigate and assist in eliminating alleged violation of Minnesota Statutes, Chapter 363A by conference, conciliation and persuasion, and when necessary, cooperate with the state department of human rights in enforcing the provisions of the state act;
- (g) Develop such programs of ~~formal and information~~ education as will assist in the implementation of the Minnesota Human Rights Act and foster the Commission's assumption of leadership in recognizing and resolving potential human rights problems in the community; and
- (h) Develop and implement programs that enhance the advancement of human rights in the community and that promote an awareness of and appreciation for cultural diversity.

**Subd. 6. Investigations, enforcement, penalties.** The Commission may receive and investigate complaints of alleged violations of this ~~Subsection~~. Investigations shall conform to the ~~No Fault Grievance~~ Complaint Process formulated by the State Department of Human Rights.

~~**Subd. 7. Adoption by reference. Minnesota Statutes, chapter 363 is adopted by reference and made a part of this Subsection as is fully set forth herein.**~~

Sec. 4. Subsection 305.03 of the Richfield City Code is amended as follows:

~~305.03:~~ 305.05. - Joint police and fire civil service commission.

**Subdivision 1. Single commission created and continued.** The Police Civil Service Commission and the Fire Civil Service Commission of the City have been combined to form a single commission.

**Subd. 2. Duties.** The Joint Commission is created and ~~continued and will~~ serves as ~~both the Police and Fire Civil Service Commission and Firemen's Civil Service Commission.~~

**Subd. 3. Membership.** The Joint Commission consists of three (3) members appointed for staggered terms in the same manner, for the same terms, and with the same qualifications as a police civil service commission under Minnesota Statutes, Chapter 419. ~~sections 419.01 to 419.18.~~ Terms of commissioners are for three (3) years commencing on February 1 of the year of appointment.

Sec. 5. Subsection 305.05 of the Richfield City Code is amended as follows:

~~305.05:~~ 305.07 - Planning ~~agency~~ Commission.

**Subdivision 1. Establishment.** Pursuant to Minnesota Statutes, section 462.354, subdivision 1, there is created and continued a City ~~p~~Planning Commission.

**Subd. 2. Commission form.** Except in cases in which the Planning Commission is authorized by this Code or other applicable law to render a final decision, ~~The Planning Agency shall operate as a Planning Commission serves in an advisory capacity to the City Council.~~ Staff services for the Commission shall be furnished by the Community Development Department of the City. ~~The Commission serves in an advisory capacity to the Council.~~

**Subd. 3. Composition of the Commission.** The Commission consists of seven (7) members appointed by the Council to serve for terms of three (3) years, with terms of members to be staggered so that as nearly equal number of terms as possible shall expire each year. Terms begin on the first day of February. ~~The City Manager, the superintendent of schools for Independent School District No. 280, one (1) Council member and one (1) other representative of the Board of Education of Independent School District No. 280 designated by the district are ex officio officers and members of the Commission without voting rights.~~

**Subd. 4. Powers and duties of the Commission.** The Planning Commission shall undertake the duties given by Minnesota Statutes, sections 462.351 to 462.354. The Planning Commission shall deliberate and make recommendations, or final decisions as applicable, on:

- ~~(a) Proposed subdivisions and resubdivisions of land;~~
- ~~(b)~~ (a) Proposed amendments to the zoning ~~ordinance~~ code or map;
- ~~(e)~~ (b) Land development applications requiring site plan approval, ~~special interim~~ use permits, conditional use permits or variances from the land development regulations of the City; and
- ~~(d)~~ (c) Such other matters relating to planning and development within the City, as may be referred to it by the Council.

**Subd. 5. General objectives of the Commission.** The Planning Commission shall, as necessary, ~~endeavor to~~ perform the following functions on behalf of the City:

- (a) Subject planning decisions to citizens' examination and influence through technical advisory subcommittees which may study and recommend courses of action on special planning matters;
- (b) Act as an advocate of various beneficial planning projects, as directed by the Council, to stimulate interest and acceptance of planning within the City; and
- (c) Act as a coordinator of planning activities within the City by working with public, quasi-public and private planning groups to coordinate the total planning efforts of the City and other governmental units.

~~**Subd. 6. Dismissal of commission members.** Commission members serve at the pleasure of the Council. The Council may dismiss members of the Commission with or without cause.~~

~~**Subd. 7. Vacancies.** The office of a member is vacant upon the member's:~~

- ~~(a) Death;~~

- ~~(b) Disability or failure to serve;~~
- ~~(c) Removal of legal residence from the City;~~
- ~~(d) Resignation in writing;~~
- ~~(e) Removal with or without cause by the Council; or~~
- ~~(f) Election or appointment to an elective public office.~~

~~The Commission shall notify the Council of a vacancy and request appropriate action to fill the vacancy.~~

**Subd. 8 6. Additional powers and duties.** The Council may assign additional duties and responsibilities to the Planning Commission to assist the Commission in effectively carrying out the Commission's objectives, powers and duties.

Sec. 6. Subsection 305.07 of the Richfield City Code is amended as follows:

~~305.07.~~ 305.09 - Board of health.

**Subdivision 1. Creation of board.** Pursuant to Minnesota Statutes, ~~section 145.01~~ Chapter 145A, there is created and continued a board of health.

**Subd. 2. Council to constitute board.** The Board consists of the City Council and a physician who is the health officer of the City.

**Subd. 3. Powers and duties of board.** The Board shall:

- (a) Investigate and make such reports and obey such directions concerning communicable diseases as the State Board of Health may require or give; and
- (b) Cause all laws and regulations relating to the public health, including any and all health regulations contained in this code to be obeyed and enforced.

**Subd. 4. Inspection and enforcement.** The Board and authorized officers or employees of the Board shall have the right to enter into any building, conveyance or place where contagion, infection, filth or other source or cause of preventable disease exists or is reasonably suspect.

**Subd. 5. Uniform enforcement and appeals.** Orders or rules and regulations adopted or issued by the Board shall be enforced in the manner provided in Section 320. Persons aggrieved by an order or rule or regulation of the Board may appeal in accordance with the provisions of Section 320.

Sec. 7. This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.



Adopted by the City Council of the City of Richfield, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING SUMMARY PUBLICATION OF  
AN ORDINANCE AMENDING SECTION 305 OF THE CITY CODE CODIFYING  
REQUIREMENTS PERTAINING TO CITY COMMISSIONS**

**WHEREAS**, the City has adopted the above-referenced ordinance; and

**WHEREAS**, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified; and

**WHEREAS**, the following summary clearly informs the public of the intent and effect of the ordinance.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION  
BILL NO. 2015- \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 305 OF THE  
CITY CODE CODIFYING REQUIREMENTS PERTAINING  
TO CITY COMMISSIONS**

On December 8, 2015, the Richfield City Council adopted an ordinance designated as Bill No. \_\_\_\_\_, the title of which is stated above. This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter. The Ordinance amends Section 305 of the City Code and codifies certain requirements pertaining to city commissions such as: youth appointments, residency, length of and limits on terms for commissioners, attendance, removal of commissioners and vacancies; and adoption of rules of procedures. The Ordinance also makes some housekeeping changes in the code language and corrects outdated citations and references.

**BE IT FURTHER RESOLVED**, that the City Clerk is directed to keep a copy of the Ordinance in her office at City Hall for public inspection and to post a full copy of the Ordinance in a public place in the City for a period of two weeks. Copies of the Ordinance are also available upon request by calling 612-861-9738.

Adopted by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of December, 2015.

---

Debbie Goettel, Mayor

ATTEST:

---

Elizabeth VanHoose, City Clerk

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION REPEALING CERTAIN RESOLUTIONS RELATING  
TO THE TERMS, RESIDENCY REQUIREMENTS AND YOUTH  
APPOINTMENTS FOR CITY COMMISSIONS AND REPEALING THE  
RESOLUTION ESTABLISHING A CITY CELEBRATIONS COMMISSION**

**WHEREAS**, on December 8, 2015, the Richfield City Council adopted an ordinance codifying certain requirements for city commissions relating to residency, terms, youth appointments, removal and vacancy of commission seats, rules of procedure and other miscellaneous provisions;

**WHEREAS**, the Council finds that certain previously-adopted resolutions relating to these matters are no longer necessary in light of the new code amendments;

**WHEREAS**, the Council also finds that the by-laws of the respective City Commissions may require updating in order to bring them into compliance with the new code amendments.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota that:

1. The following Resolutions, and any subsequent amendments thereto, are repealed as of the effective date of the above-referenced ordinance:
  - a. Resolution #7718 – Resolution Establishing the Number of Terms for Members of Advisory Boards and Commissions
  - b. Resolution #7983 –Resolution Establishing the Number of Terms for Members of Advisory Boards and Commissions
  - c. Resolution #8344 – Resolution Regarding Residency Requirements for Members of the City’s Boards and Commissions
  - d. Resolution #8142 – Resolution Establishing the Term of Appointment and Definition of Youth Appointment to Advisory Boards and Commissions
  - e. Resolution #8933 – Resolution Modifying the Term of Appointment of Youth to Advisory Boards and Commissions
  - f. Resolution #9282 – Resolution Establishing a Richfield Celebrations Commission
2. All City Commissions are hereby directed to work with their respective Commission members and staff liaisons to review and amend their by-laws in order to bring them into compliance with the Richfield City Code.

Adopted by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of December, 2015.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**Excerpt showing changes to Ordinance between first and second reading:**

**Subd. 4. Youth appointments.** The City Council may appoint a maximum of two youth members to certain commissions. Terms for youth appointments shall be one year, commencing on September 1 and ending on August 31. No youth member shall serve more than three consecutive terms on the same Commission. Except as otherwise provided for by resolution of the Council, youth members must be residents of the City and enrolled in a high school or equivalent. A youth member may only serve on one Commission at a time. ~~Youth members are voting members of a Commission.~~

**Subd. 5. Attendance.** Members are required to attend regular commission meetings. Commission members shall notify the Commission Chair or staff liaison if he or she is unable to attend a meeting. ~~Members who have served at least one full year and do not attend at least seventy-five percent (75%) of the regular commission meetings in the preceding twelve (12) month period will be automatically removed from the commission.~~ The Council shall conduct an annual review of the attendance of members of City commissions.

**Subd. 6. Removal/Vacancy.** Commission members serve at the pleasure of the City Council and, unless prohibited by law, may be removed at any time for any reason, including but not limited to, excessive absences from commission meetings. When a vacancy occurs, the Council shall appoint a person to fill the unexpired term of the vacated seat. Unless provided otherwise by law or city resolution, a seat on a Commission is vacated upon any of the following:

- (a) death;
- ~~(b) failure to attend at least 75% of regular commission meetings in a year;~~
- (c) removal of legal residence in the City;
- (d) resignation in writing presented to the City Manager;
- (e) removal by the Council; or,
- (f) election or appointment to a public office.

**RESOLUTION NO. 7718****RESOLUTION ESTABLISHING THE NUMBER OF  
TERMS FOR MEMBERS OF ADVISORY BOARDS AND COMMISSIONS**

**WHEREAS**, the City Council has established from time to time Boards and Commissions to serve in an advisory capacity to the City Council; and

**WHEREAS**, annually there are usually more volunteers to serve on Advisory Boards and Commissions than there are openings to fill; and

**WHEREAS**, it is the policy of the City Council to seek and involve citizens as a way of adding citizen input in the policy process; and

**WHEREAS**, Advisory Boards and Commissions are established with a portion of the membership terms to expire each year to afford an opportunity for citizens who have not previously served or may have some break in the continuity of service to be considered for appointment; and

**WHEREAS**, it is desirable to have some change in the membership from time to time to encourage volunteerism /and to facilitate broad community representation including geographic considerations, ethnic minorities, women, youth, and professional, business and technical people; and

**WHEREAS**, Charter Commission members are not appointed by the City Council and generally this Commission's responsibilities are distinct from other City Advisory Boards and Commissions; and

**WHEREAS**, service by the same individual on two Advisory Boards and Commissions, not including the Charter Commission, does not provide and encourage broad community representation and may also provide some conflicts.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield as follows:

1. That this Resolution supersedes Resolution No. 7548.

2. That it shall be the policy of the City Council except as otherwise provided by State Statutes and City Ordinances to limit the term of any Advisory Board or Commission Member to three consecutive terms on the same Advisory Board or Commission unless there are fewer applicants than positions open. For the purposes of this resolution, appointment to serve on a Board or Commission for a period of time greater than one-half of a complete term shall be counted as a full term. If the City Council appoints a citizen who has had a break in continuous service on the same Advisory Board or Commission, it shall be treated as a first term appointment.


Resolution No. 7718  
Page 2

3. It is the intention of the City Council that the same individual should not serve on more than one Advisory Board or Commission, with the exception that Members of the Charter Commission may serve on one other Advisory Board or Commission.

PASSED by the City Council of the City of Richfield this 11th day of February, 1991.

  
Martin J. Kirsch Mayor

ATTEST:

  
Thomas P. Ferber City Clerk



**RESOLUTION NO. 7983****RESOLUTION ESTABLISHING THE NUMBER OF  
TERMS FOR MEMBERS OF ADVISORY BOARDS AND COMMISSIONS**

**WHEREAS**, the City Council has established from time to time Boards and Commissions to serve in an advisory capacity to the City Council; and

**WHEREAS**, annually there are usually more volunteers to serve on Advisory Boards and Commissions than there are openings to fill; and

**WHEREAS**, it is the policy of the City Council to seek and involve citizens as a way of adding citizen input in the policy process; and

**WHEREAS**, Advisory Boards and commissions are established with a portion of the membership terms to expire each year to afford an opportunity for citizens who have not previously served or may have some break in the continuity of service to be considered for appointment; and

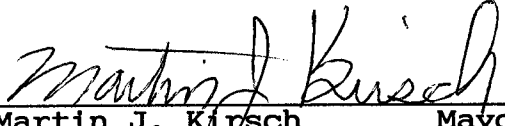
**WHEREAS**, it is desirable to have some change in the membership from time to time to encourage volunteerism and to facilitate broad community representation including geographic considerations, ethnic minorities, women, youth, and professional, business and technical people.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield as follows:

1. That this Resolution supersedes Resolution No. 7548.
2. That it shall be the policy of the City Council except as otherwise provided by State Statutes and City Ordinances to limit the term of any Advisory Board or Commission Member to three consecutive terms on the same Advisory Board or Commission. Where there are more applicants than openings, preferences will be for reappointments to second terms over new applicants and for new applicants over reappointments to third terms. For the purposes of this resolution, appointment to serve on a Board or Commission for a period of time greater than one-half of a complete term shall be counted as a full term. If the City Council appoints a citizen who has had a break in continuous service on the same Advisory Board or Commission, it shall be treated as a first term appointment

Resolution No. 7983  
Page 2

3. This resolution shall be in full force and effect for terms expiring January 31, 1994. Passed by the City Council of the City of Richfield this 8th day of February, 1993.

  
Martin J. Kirsch Mayor

ATTEST:

  
Thomas P. Ferber City Clerk

**RESOLUTION NO. 8142****RESOLUTION ESTABLISHING THE TERM OF APPOINTMENT  
AND DEFINITION OF YOUTH APPOINTMENT  
TO ADVISORY BOARDS AND COMMISSIONS**

**WHEREAS**, the City Council has established from time to time boards and commissions to serve in an advisory capacity to the City Council; and

**WHEREAS**, annually the City Council appoints one or more youth members to certain boards and commissions; and

**WHEREAS**, the current one year appointments for youth members do not coincide with the school year; and

**WHEREAS**, it would be desirable to have youth member appointments follow the normal school year; and

**WHEREAS**, defining a "youth member" would be helpful in establishing youth membership to various advisory boards and commissions.

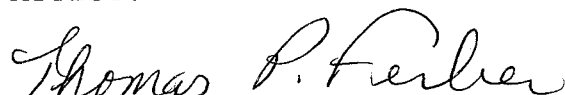
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield as follows:

1. The youth members to advisory boards and commissions be appointed for a one year appointment commencing on June 1 and ending on May 31 of each year or until their successors are named and qualified.
2. That the youth members appointed for 1994 be appointed for a one year appointment commencing June 1, 1994 and ending May 31, 1995.
3. That youth members be defined as individuals who are less than 21 years of age at the time of their appointment.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of May, 1994.

  
Martin J. Kirsch, Mayor

**ATTEST:**

  
Thomas P. Ferber, City Clerk

**RESOLUTION NO. 8344****RESOLUTION REGARDING  
RESIDENCY REQUIREMENTS FOR MEMBERS  
OF THE CITY'S BOARDS AND COMMISSIONS**

**WHEREAS**, the City Council has established from time to time boards and commissions including those which serve in an advisory capacity to the City Council; and

**WHEREAS**, it is the policy of the City Council to seek to involve citizens in the important activities of these boards and commissions; and

**WHEREAS**, the membership composition of individual commissions and boards is important to assure the highest quality of the recommendations and advice; and

**WHEREAS**, an aspect of the composition of the various boards and commissions involve rules which relate to the residency of the members; and

**WHEREAS**, it is important, wherever possible, that residency requirements facilitate rather than hinder citizen participation and the quality of recommendations.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield as follows:

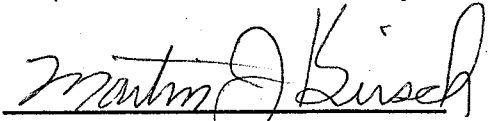
1. Whenever residency requirements for the various boards and commissions are fixed by law, those requirements shall govern.
2. The Council finds and determines that situations may exist when it may be desirable and appropriate to extend membership to the Human Rights Commission and the Friendship City Commission to individuals who, although not residents of the City, show a strong interest in the work of these commissions.

With respect to these commissions, the following procedures will be used:

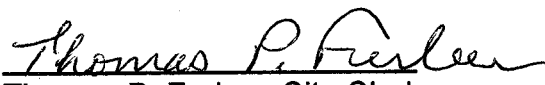
- A notice to the public of vacancies and the required application.
  - If no applications were received from qualified Richfield residents or after the interview the applicant was determined to be not qualified, it would be the Council's discretion to appoint a qualified applicant who is a non-resident and has a vested interest or connection to Richfield.
  - Appointment of the non-resident would require a recommendation by a majority of the commission on which the individual is desiring to serve.
  - The preference would be for a Richfield resident to be appointed.
  - Permit a maximum of two non-residents to serve on each commission.
3. The Council finds that it is desirable and appropriate that membership in all the other boards and commissions of the City be limited to residents of the City.

This resolution shall be in full force and effect for terms expiring January 31, 1996.

Adopted by the City Council of the City of Richfield, Minnesota this 22nd day of April, 1996.

  
Martin J. Kirsch, Mayor

ATTEST:

  
Thomas P. Ferber, City Clerk

**RESOLUTION NO. 8933****RESOLUTION MODIFYING THE TERM OF  
APPOINTMENT OF YOUTH TO  
ADVISORY BOARDS AND COMMISSIONS**

**WHEREAS**, the City Council has established from time to time boards and commission to serve in an advisory capacity to the City Council; and

**WHEREAS**, annually the City Council appoints one or more youth members to certain boards and commissions; and

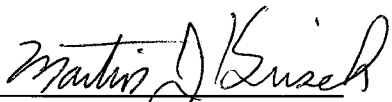
**WHEREAS**, the current one year appointments for youth members do not coincide with the school year; and

**WHEREAS**, this resolution modifies Resolution No. 8142 adopted on May 9, 1994.

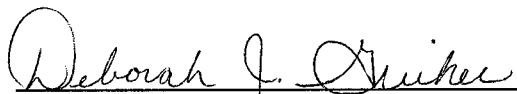
**NOW, THEREFORE, BE IT RESOLVED** that the youth members of advisory boards and commissions be appointed for a one year term appointment commencing on September 1 and ending on August 31 of each year or until their successors are named and qualified.

**BE IT FURTHER RESOLVED** that the recruitment for youth members for 2000 will begin immediately and that the terms will be from the date of appointment through August 31, 2001.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of September, 2000.

  
Martin J. Kirsch, Mayor

ATTEST:

  
Deborah J. Guier, Deputy City Clerk

**RESOLUTION NO. 9282****RESOLUTION ESTABLISHING A RICHFIELD CELEBRATIONS COMMISSION**

**WHEREAS**, the Richfield City Council is desirous of establishing an advisory Commission to organize, coordinate and promote celebration activities in the city of Richfield; and

**WHEREAS**, it is the City Council's commitment to showcase the positive aspects of the community, to celebrate successes, events and activities that will promote community pride; and

**WHEREAS**, the City Council is further committed to showcasing Richfield and all its positive attributes to the Metro area, the state and beyond by creating an avenue by which people can participate in activities that celebrate all that make Richfield the best place to live, work, learn and recreate.

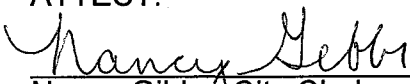
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota that a Richfield Celebrations Commission be established as follows:

1. The Commission shall consist of unlimited number of members, all of whom shall be residents and/or stakeholders of Richfield. They shall be appointed by the City Council for 1, 2 or 3 year terms initially to establish staggered terms so not all positions are vacant at one time with 3 year term appointments thereafter, and can be removed by the City Council, with or without cause. No member shall serve more than 3 consecutive terms. Terms shall begin on the first day of February of the year of appointment and shall continue until the thirty-first day of January in the year in which their appointments expire, or until their successors are appointed, subject, however, to prior termination as otherwise provided for in this resolution.
2. The Commission shall be advisory to the City Council on matters relating to the development, promotion and implementation of community celebration activities and events and shall include, but not be limited to, the Richfield Centennial celebration, special event celebrations and holiday celebrations.
3. In addition to the designated number of members to serve on the Commission, each January, the City Council shall designate a Council Member as liaison and a second Council Member as alternative liaison to this Commission.
4. Any of the following shall cause the office of a regular member to become vacated: (a) death; (b) disability or failure to serve, shown by failure to attend three (3) consecutive regular meetings of the Commission without good cause; (c) removal of legal residence in the City; (d) resignation in writing presented to the Mayor; (e) removal by the City Council; and, (f) election or appointment to a public office.

**PASSED** by the City Council of the City of Richfield this 10th day of December, 2002.

  
Martin J. Kirsch, Mayor

ATTEST:

  
Nancy Gibbs, City Clerk

AGENDA SECTION:	PROPOSED ORDINANCES
AGENDA ITEM #	32.



**STAFF REPORT NO. 225**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: John Stark, Community Development Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
12/1/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the second reading of an ordinance authorizing the conveyance of property owned by the City of Richfield to the Richfield Housing and Redevelopment Authority.**

**EXECUTIVE SUMMARY:**

One of the primary purposes of a City's Housing and Redevelopment Authority (HRA) is to purchase and sell properties for redevelopment purposes. State statutes have established a more streamlined process for HRAs to act in this capacity. HRA legal counsel has provided a memorandum (attached) that provides further details on the HRA's roles and abilities related to the ownership, sale and leasing of publicly owned land. This memo further supports staff's recommendation that City-owned parcels intended for redevelopment be conveyed to the HRA.

In recent years, staff has encountered situations in which portions of a redevelopment site are owned by the City while other portions are owned by the HRA. This is the case on the City Garage site and with much of the Cedar Corridor Redevelopment area. Staff has also encountered situations where the City owns the site, but the HRA would act in partnership with potential non-profit developers for the solicitation of funding and other roles in the process. Often times, the applications from agencies that provide grant funding are written in a way that presumes the body applying for funds also owns the property.

For these reasons, staff is recommending that the City convey the properties it owns for the sole purpose of redevelopment to the HRA.

The properties in question are located in one of three areas; the Cedar Avenue Corridor, the area on the east side of Portland Avenue just south of the 66th Street roundabout and parcels located at the former City Garage site (see full list of properties in the attached Ordinance).

This information was provided to the City Council and HRA earlier in the year via Council Memorandum No. 28 (April 23) and at an April 28 worksession. At that time, Council Members were in agreement that this item should be brought back for formal consideration. Since that time, staff has been working to clean up any title issues or other issues related to each property so that the parcels are as unencumbered as possible. A First Reading of this Ordinance was approved by the City Council on October 27, 2015.



The conveyance of the properties would result in a one-time expenditure (in the book value of the properties) to City accounts and commensurate revenue to HRA accounts. This transaction would be reflected in the 2015 financial reports for both the City and HRA.

**RECOMMENDED ACTION:**

**By motion: Approve the second reading of an ordinance authorizing the conveyance of property owned by the City of Richfield to the Richfield Housing and Redevelopment Authority.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- Staff provided City Council members with a memo (Council Memorandum No. 28) on April 23, 2015 in which this action was recommended.
- At its worksession on April 28, 2015, City Council members discussed this topic and directed staff to draft an Ordinance for formal consideration.
- The City Council approved a First Reading of this Ordinance on October 27, 2015.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- State Statutes prescribe a process allowing a City's HRA to purchase and sell properties for redevelopment purposes.

**C. CRITICAL TIMING ISSUES:**

- Six properties included in the ordinance are affected by an Option Agreement held by Ryan Companies (Ryan). Those Agreements are set to terminate on June 30, 2016. Staff will delay the conveyance of those properties to the HRA until after that date (unless Ryan is amenable to terminating those Agreements prior to that date).

**D. FINANCIAL IMPACT:**

- The conveyance of the properties would result in a one-time expenditure (in the book value of the properties) to City accounts and commensurate revenue to HRA accounts. This transaction would be reflected in the 2015 financial reports for both the City and HRA.

**E. LEGAL CONSIDERATION:**

- The Ordinance was drafted by Julie Eddington, HRA legal counsel.

**ALTERNATIVE RECOMMENDATION(S):**

- Delay consideration of this Ordinance in order to obtain further information about the impacts or benefits of transferring the properties to the HRA.
- Deny approval of this Ordinance and allow the subject properties to remain under the ownership of the City.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None.

**ATTACHMENTS:**

Description	Type
❑ Ordinance	Ordinance
❑ Attorney Opinion re: Ownership Benefits	Cover Memo

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF  
PROPERTY OWNED BY THE CITY

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Background; findings; authority.

- 1.01. The City of Richfield (the “City”) is governed by home rule charter adopted pursuant to the Constitution of the State of Minnesota and Minnesota Statutes, Chapter 410.
- 1.02. The City is the owner of thirty-five parcels of real property located in the City of Richfield, as described in the attached Exhibit A (the “City Property”) and legally described as shown therein.
- 1.03. It has been proposed that the City convey the City Property to the Richfield Housing and Redevelopment Authority (“HRA”) for the purpose of future redevelopment. Pursuant to Section 13.04 of the City’s Charter, no real property of the City shall be disposed of except by ordinance.
- 1.04. Pursuant to Minnesota Statutes, Chapter 462.356, it has been determined that the proposed disposal of property has no relationship to the comprehensive plan.
- 1.05. The Council finds and determines that it is in the best interests of the City to convey the City Property to the HRA for the purpose of redevelopment.

Section. 2 Adoption; effective date; filing.

- 2.01. The conveyance of the City Property to the HRA is approved. The Mayor and the City Manager are authorized and directed to convey the City Property to the HRA and take all steps necessary to effect such conveyance.
- 2.02. This Ordinance shall take effect after the thirtieth (30<sup>th</sup>) day, exclusive of day of publication.

Passed by the City Council of the City of Richfield, Minnesota this 8th day of December, 2015.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

## EXHIBIT A

City of Richfield properties to be conveyed to Richfield HRA

### Cedar Corridor Redevelopment Area

<u>Address</u>	<u>Tax Parcel Number</u>	<u>Legal Description</u>
6614 18 <sup>th</sup> Ave. S	26-028-24-41-0066	Lot 3, Block 2, Wexler's Addition
6620 18 <sup>th</sup> Ave. S	26-028-24-41-0067	Lot 4, Block 2, Wexler's Addition
6626 18 <sup>th</sup> Ave. S	26-028-24-41-0068	Lot 5, Block 2, Wexler's Addition
6632 18 <sup>th</sup> Ave. S	26-028-24-41-0069	Lot 6, Block 2, Wexler's Addition
6638 18 <sup>th</sup> Ave. S	26-028-24-41-0070	Lot 7, Block 2, Wexler's Addition
6644 18 <sup>th</sup> Ave. S	26-028-24-41-0071	Lot 8, Block 2, Wexler's Addition
6700 18 <sup>th</sup> Ave. S	26-028-24-41-0080	Lot 1, Block 3, Wexler's Addition
6708 18 <sup>th</sup> Ave. S	26-028-24-41-0081	Lot 2, Block 3, Wexler's Addition
6714 18 <sup>th</sup> Ave. S	26-028-24-41-0082	Lot 3, Block 3, Wexler's Addition
6720 18 <sup>th</sup> Ave. S	26-028-24-41-0083	Lot 4, Block 3, Wexler's Addition
6726 18 <sup>th</sup> Ave. S	26-028-24-41-0084	Lot 5, Block 3, Wexler's Addition
6732 18 <sup>th</sup> Ave. S	26-028-24-41-0085	Lot 6, Block 3, Wexler's Addition
6738 18 <sup>th</sup> Ave. S	26-028-24-41-0086	Lot 7, Block 3, Wexler's Addition
6744 18 <sup>th</sup> Ave. S	26-028-24-41-0087	Lot 8, Block 3, Wexler's Addition
6701-03 18 <sup>th</sup> Ave. S	26-028-24-41-0107	Lot 16, Block 4, Wexler's Addition
6709-11 18 <sup>th</sup> Ave. S	26-028-24-41-0106	Lot 15, Block 4, Wexler's Addition
6721 18 <sup>th</sup> Ave. S	26-028-24-41-0104	Lot 13, Block 4, Wexler's Addition
6727 18 <sup>th</sup> Ave. S	26-028-24-41-0103	Lot 12, Block 4, Wexler's Addition
6733 18 <sup>th</sup> Ave. S	26-028-24-41-0102	Lot 11, Block 4, Wexler's Addition
6739 18 <sup>th</sup> Ave. S	26-028-24-41-0101	Lot 10, Block 4, Wexler's Addition
6745 18 <sup>th</sup> Ave. S	26-028-24-41-0100	Lot 9, Block 4, Wexler's Addition
6700 Cedar Ave. S	26-028-24-41-0096	Lots 1 and 2, Block 4, Wexler's Addition
6601 17 <sup>th</sup> Ave. S	26-028-24-41-0079	Lot 16, Block 2, Wexler's Addition
6609 17 <sup>th</sup> Ave. S	26-028-24-41-0078	Lot 15, Block 2, Wexler's Addition
6615 17 <sup>th</sup> Ave. S	26-028-24-41-0077	Lot 14, Block 2, Wexler's Addition
6621 17 <sup>th</sup> Ave. S	26-028-24-41-0076	Lot 13, Block 2, Wexler's Addition
6627 17 <sup>th</sup> Ave. S	26-028-24-41-0075	Lot 12, Block 2, Wexler's Addition
6633 17 <sup>th</sup> Ave. S	26-028-24-41-0074	Lot 11, Block 2, Wexler's Addition
6639 17 <sup>th</sup> Ave. S	26-028-24-41-0073	Lot 10, Block 2, Wexler's Addition
6645 17 <sup>th</sup> Ave. S	26-028-24-41-0072	Lot 9, Block 2, Wexler's Addition

**66<sup>th</sup> & Portland Roundabout**

<u>Address</u>	<u>Tax Parcel Number</u>	<u>Legal Description</u>
6613 Portland Ave S	26-028-24-32-0049	Lot 34, Auditor's Subdivision No. 340, Hennepin County, Minnesota
6617 Portland Ave S	26-028-24-32-0048	Lots 33 and 59, Auditor's Subdivision No. 340
6621 Portland Ave S	26-028-24-32-0047	Lot 32, Auditor's Subdivision No. 340
6625 Portland Ave S	26-028-24-32-0046	Lot 31, Auditor's Subdivision No. 340

**Former City Garage Site**

<u>Address</u>	<u>Tax Parcel Number</u>	<u>Legal Description</u>
7700 Pillsbury Ave S	34-028-24-34-0073	Lot 6, Block 4, "R.C. Soens Addition"
7644 Pillsbury Ave S	34-028-24-34-0072	Lot 3, except the North 75 feet thereof, and all of Lots 4 and 5, in Block 4, "R.C. Soens Addition"

**Kennedy**

&

**Graven**

CHARTERED

470 US Bank Plaza  
200 South Sixth Street  
Minneapolis MN 55402

(612) 337-9300 telephone  
(612) 337-9310 fax  
<http://www.kennedy-graven.com>

## **MEMORANDUM**

**TO:** John Stark  
Community Development Director  
City of Richfield

**FROM:** Julie Eddington

**DATE:** April 22, 2015

**RE:** HRA Holding Property for Future Redevelopment

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### **BACKGROUND**

The City of Richfield (the “City”) is considering conveying property it currently holds for redevelopment to its Housing and Redevelopment Authority (the “HRA”) to take advantage of the redevelopment abilities the HRA has under Minnesota law. You’ve asked for a brief summary of the HRA’s redevelopment powers, which may provide a benefit to both the City and HRA if the properties designated for future redevelopment are transferred from City ownership to HRA ownership.

### **HRA’S REDEVELOPMENT POWERS**

HRA has the broad powers to create and operate “redevelopment projects” pursuant to Minn. Stat. Sections 469.001 to 469.047 (the “HRA Act”). A redevelopment project can be any work or undertaking to acquire property in order to remove, prevent or reduce blight or blighting factors; construct utilities and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan; or sell or lease land for uses in accordance with a redevelopment plan.

To redevelop properties within the City, in addition to the general powers of redevelopment set out above, the HRA has the power to, among other things:

- a. To undertake, prepare, carry out and operate projects and to provide for the construction, reconstruction, improvement, extension, alteration, or repair of any project or any part thereof.
- b. To give, sell, transfer, convey or otherwise dispose of real or personal property or any

interest therein, and to execute leases, deeds, conveyances, negotiable instruments, purchase agreement and other contracts or instruments.

- c. To carry out studies of the housing and redevelopment needs within the City and of the meeting those needs.
- d. To lease or rent land and buildings.
- e. To own, hold and improve real or personal property and to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property.
- f. Establish and operate a commercial rehabilitation loan program.
- g. To make loans to a business, a for-profit or nonprofit organization, or an individual for any purpose that an HRA is otherwise authorized to carry out under the HRA Act.

In addition to the powers described above, HRAs may establish tax increment financing districts (with City Council approval). Tax increment may be used to finance or otherwise pay “public redevelopment costs” pursuant to the HRA Act, including public infrastructure, land acquisition, site improvements, demolition, correction of soil conditions, and administrative expenses of the HRA.

Please contact me at your convenience with any questions regarding the foregoing.

KENNEDY & GRAVEN, CHARTERED

Julie Eddington



**STAFF REPORT NO. 226**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Jeff Pearson, City Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
12/1/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of a Right-of-Way Agreement with Hennepin County for the 66th Street Reconstruction Project.**

**EXECUTIVE SUMMARY:**

In advance of the upcoming reconstruction of 66th Street (County State Aid Highway 53) between Xerxes Ave and 16th Avenue, City and County staff have negotiated the attached Right-of-Way Acquisition Agreement.

Consistent with Hennepin County's Cost Participation Policy, Hennepin County will equally split the cost of right-of-way acquisition with the City. Based on the 50/50 split outlined in the policy and proposed agreement, the total estimated cost to the City is \$5,500,000. This figure includes all required temporary and permanent easements along the corridor as well as the purchase of eighteen full properties impacted by the reconstruction.

Municipal State Aid (MSA) funds are the primary funding source for right-of-way acquisitions. As negotiated in the attached agreement, any portion of the funding for the right-of-way costs may be provided to the County in the form of additional road reconstruction money. This provision allows the City more flexibility in funding its portion of the right-of-way for the project. For instance, instead of paying directly for the associated right-of-way costs, the City could pay an additional share of the road reconstruction costs, equivalent to the share of right-of-way, which will allow the use of street reconstruction bond funds not eligible for right-of-way costs.

**RECOMMENDED ACTION:**

**By Motion: Approve the Right-of-Way Acquisition Agreement No. PW-45-19-14 between the County of Hennepin and the City of Richfield for the purchase of right-of-way required for the reconstruction of 66th Street between Xerxes Avenue and 16th Avenue.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

**Project Layout**

- The City Council approved the Preliminary Layout No. 4B from I-35W to 16th Avenue at the October 28, 2014 meeting.

- The City Council approved the Preliminary Layout – Low Impact from Xerxes Avenue to Oliver Avenue and Preliminary Layout No. 4B from Oliver Avenue to I-35W for the Project on December 9, 2014.
- The City Council approved the Roundabout Design as the intersection control at Lyndale Avenue and Nicollet Avenue on February 24, 2015.

#### **Property Impacts**

- The selected designs require the following right-of-way acquisition:
  - 18 Full Acquisitions
  - 154 Partial Acquisitions (Permanent and Temporary Easements)
- The size and locations of the easements along the corridor varies.
- The County obtained a MN/DOT Design Variance for the segment from Xerxes Avenue to Oliver Avenue. This eliminated the need for a number of easements along that section.
- As of 11/17/2015, the ROW acquisition status is as follows:
  - 13 full acquisitions - complete
  - 2 full acquisitions - purchase agreements
  - 3 full acquisitions -in negotiation
  - 23 partial acquisitions (easements) complete
  - ~20 partial acquisitions (easements) offer accepted
  - ~95 partial acquisitions (easements) in negotiation
- Condemnation filing will need to occur on or about January 28, 2016 with a title and possession date of June 1, 2016 for the project to stay on schedule and not risk loss of funding.

#### **B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- The 66th Street Reconstruction Project is included in the approved Five Year Street Reconstruction Plan and the City's Capital Improvement Budget/Plan.
- The 66th Street Reconstruction Project has been identified as a priority in the City's Comprehensive Plan.

#### **C. CRITICAL TIMING ISSUES:**

- The Right-of-Way Acquisition Agreement needs to be approved before the acquisition process can be complete.
- \$7,840,000 in federal funds may be revoked if the right-of-way acquisition is not complete by June 2016.

#### **D. FINANCIAL IMPACT:**

- The City's portion of the right-of-way costs are estimated to be \$5,500,000 and will be paid for using Municipal State Aid (MSA) funds and in the form of additional road reconstruction money (Street Reconstruction Bonds), as needed.
- The total project is estimated to cost \$58.64 million with the following contributions:
  - \$7,840,000 Federal
  - \$37,050,000 County
  - \$17,250,000 City (includes reconstruction of City utilities and undergrounding of overhead utilities)

#### **E. LEGAL CONSIDERATION:**

The City Attorney has reviewed the agreement and will be available to answer questions.

#### **ALTERNATIVE RECOMMENDATION(S):**

Council may choose to take no action at this time; however, if the Right-of-Way Acquisition Agreement is not approved by March 2016 the project may be delayed or canceled.

#### **PRINCIPAL PARTIES EXPECTED AT MEETING:**

None



**ATTACHMENTS:**

Description	Type
 Agreement	Contract/Agreement

Agreement No. PW 45-19-14  
County Project No. 1011  
County State Aid Highway No. 53  
City of Richfield  
County of Hennepin

## AGREEMENT FOR RIGHT OF WAY ACQUISITION

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the **County of Hennepin**, a body politic and corporate under the laws of the State of Minnesota, hereinafter referred to as the "County", the **City of Richfield**, a body politic and corporate under the laws of the State of Minnesota, hereinafter referred to as the "City".

### WITNESSETH:

**WHEREAS**, the County and the City have been negotiating to bring about the complete reconstruction of County State Aid Highway No. (CSAH ) 53 (66<sup>th</sup> Street) from Xerxes Avenue South to 16<sup>th</sup> Avenue South in the City of Richfield; and

**WHEREAS**, the aforescribed roadway improvements are to be accomplished under County Project 1011 (State Project Number 027-653-021), and hereinafter referred to as the "Project"; and

**WHEREAS**, the City of Richfield has approved Preliminary Layout No. 4B from I-35W to 16<sup>th</sup> Avenue South for the Project on October 28, 2014; and

**WHEREAS**, the City of Richfield has approved Preliminary Layout – Low Impact from Xerxes Avenue to Oliver Avenue South and Preliminary Layout No. 4B from Oliver Avenue South to I-35W for the Project on December 9, 2014; and

**WHEREAS**, the County is developing the detailed construction plans for the Project and anticipate starting construction of same during the fall of calendar year 2016; and

**WHEREAS**, it is desirable and advantageous to begin the acquisition of the new right of way, permanent easements, and temporary easements necessary to complete the Project; and

**WHEREAS**, the City and the County desire to establish the terms and conditions by which the right of way and easements required for the Project are to be acquired, and to set forth the division of costs of properties acquired for these purposes; and

**WHEREAS**, the City and the County will enter into a future cooperative agreement to establish the terms and conditions for construction and maintenance of the Project and to set forth the division of costs; and

**WHEREAS**, it is contemplated that said work be carried out by the parties hereto under the provisions of Minnesota Statutes, Section 162.17, Subdivision 1 and Section 471.59.

**NOW THEREFORE, IT IS HEREBY AGREED:**

**I**

The County will be the party responsible for the acquisition of all necessary right of way, permanent easements, and temporary easements required to construct the Project.

The County will endeavor to minimize the areas acquired to only those lands which are represented in the aforementioned City approved layouts, or as may be reasonably modified by the County during the development of the detailed construction plans for the Project. Any such modifications by the County shall be consistent with the scope and intent of the proposed construction as approved by the City.

It is hereby understood that the phrase "responsible for the acquisition of" as used in this Agreement shall be construed to mean the performance of all tasks and duties necessary and legally required to obtain the right to use the subject properties for the purposes set forth in this Agreement. Said rights may be obtained by, but are not limited to, direct purchase, dedication, donation, or eminent domain.

**II**

In some instances the total acquisition of properties will result in the creation of remnant parcels of vacant land which are not required for the Project. For those remnant parcels which are not beneficial as landscape areas or storm water buffers, the County will convey at no cost said remnant parcels to the City.

**III**

The City agrees to grant easements to the County over those lands that are owned by the City that are part of the required right of way and easements for the Project. Said easements shall be granted at no cost to the County. All required documentation shall be provided by the City to the County within one year of Project construction start.

#### IV

The County will be responsible to provide the necessary maintenance, security and risk management services for the term of the Project on all properties that the County acquires.

All structures that exist on properties acquired in total for the Project and which must be removed for the completion of the Project shall be removed under a separate contract, as part of the Project, or with the County's or the City's own forces. The County and the City shall agree on the manner of removal for each structure taking into account all possible associated costs and impacts to the schedule of the Project. The County shall have the right to remove any structure with its own forces when in the opinion of the County Engineer or his designated representative that it is a more economical option or such removal will benefit the schedule of the Project. All costs incurred for providing maintenance, security and risk management services on any vacant property and structures, and the demolition of any structures, including but not limited to, the actual demolition costs, the costs for hazardous materials inspections and abatement costs if required, shall be shared equally between the County and the City.

The County has initiated a program to utilize the services of a nonprofit public service organization to assist in the deconstruction and recycling of structures to be demolished as part of the Project. It is understood by the parties that all additional costs associated with these services shall be at the sole costs and expense of the County.

The City agrees to waive all city fees for all the properties acquired in total as part of the Project.

It is understood that the County and City will endeavor to minimize the length of time properties acquired for the Project are left vacant. The City agrees that the County shall be exempt from all city ordinances pertaining to vacant property. It is further understood and agreed that all questions pertaining to vacant property that may arise will be jointly resolved to the satisfaction of the parties by the City Engineer and the County Engineer.

#### V

The acquisition costs incurred by the County as described herein shall include, but are not limited to the following:

- monies paid to property owners, or on behalf of property owners, as part of negotiated settlements
- costs incurred with obtaining property through, and compliance with, Minnesota Statute Chapter 117 (eminent domain), including all damages and awards resulting therefrom
- acquisition consultant services
- relocation expenses, including the costs of consultants used therefor

- appraisals and appraisal services
- title opinions and updates
- document searches (judgment, name title, etc)
- closing, conveyance and recordation fees and taxes
- costs to maintain, provide security for, or remove and dispose of vacant property, and any improvements thereon
- costs incurred for the relocation, reconstruction, adjustment, and/or removal of existing private or public utility conduits or other structures located in or upon lands acquired and within present right of way when existing valid easements and/or permits provide for reimbursement to the utility owner for the relocation, reconstruction, adjustment, and/or removal of the existing utility facilities

Specifically excluded from the above listing are the County's personnel costs.

Damages, as used in this section, pertains to acquisition costs allowed by Minnesota Statutes Chapter 117 and does not abrogate the meaning of the language set forth elsewhere in this Agreement.

## VI

The estimated cost to acquire the right of way and temporary easements for the construction of the Project is Eleven Million Dollars and No Cents (\$11,000,000.00). This estimate includes anticipated costs for security, maintenance, and structure removals that may be required on any of the properties acquired.

It is understood and agreed that the City shall be responsible for fifty (50) percent of all acquisition costs incurred by the County for the right of way and easements acquired for the Project.

For informational purposes only, the City's cost responsibility under this Agreement is estimated to be \$5,500,000.00.

It is recognized by the parties that the City's anticipated source of funding for the Project may preclude its use for right of way acquisition. Therefore, the County will only invoice the City for its share of right of way acquisition costs as established herein up to the City's available funding, anticipated to be \$2,000,000.00. Instead, the City agrees to pay a portion of the County's construction cost share for the Project in an amount equal to the City's remaining cost responsibility for right of way acquisition as established in this Agreement.

Attached is the "HENNEPIN COUNTY POLCIES FOR COST PARTICIPATION BETWEEN HENNEPIN COUNTY AND OTHER AGENCIES FOR COOPERATIVE HIGHWAY PROJECTS" (marked Exhibit "A") which is made a part of this Agreement. As previously mentioned, the County and the City will enter into a future cooperative agreement

establishing each party's cost participation in the Project's construction costs. The City's and the County's participating share in the construction costs for the Project will be developed in accordance with the attached Exhibit "A". In lieu of the City not reimbursing the County for all of its share of the right of way acquisition costs for the Project, it is understood that the City will be responsible for a portion of the County's participating share in the construction costs of the Project as established in said future construction cooperative agreement.

Therefore, in addition to its participating share of the construction costs to be determined in accordance with Exhibit "A" and specified in said future construction cooperative agreement, the City hereby agrees to pay the County a portion of the County's participating construction cost share for the Project, the amount of said payment being equal to the City's remaining participating share of the Project's right of way acquisition costs. As previously noted, it is estimated that the City will pay the County \$3,500,000.00 toward the County's participating construction cost share for the Project in addition to its own participating construction cost share as established in said future construction cooperative agreement. It is further understood and agreed that the actual amount that the City shall pay the County shall be the actual amount determined to be the City's actual share of the right of way acquisition costs as specified herein.

It is understood and agreed that in the event the Minnesota Department of Transportation (MnDOT) Office of State Aid and/or the Federal Highway Administration (FHWA) determines that County State Aid and/or Federal Aid reimbursement for the Project may be denied and or in jeopardy because of the provisions of this Agreement, the City shall reimburse the County for its share of the right of way acquisition costs for the Project in lieu of participating in the County's construction costs as provided in the above paragraph.

It is further understood that in the event the City secures funding that it can use to participate in its share of the right of way acquisition costs as provided for herein, the City may reimburse the County directly for its share of the right of way costs in lieu of reimbursing the County for right of way acquisition costs in said future construction cooperative agreement.

## VII

The County will periodically, as properties are acquired or other costs identified herein are incurred, prepare and submit to the City itemized statements documenting the actual acquisition and other costs incurred by the County since the last statement submitted.

## VIII

All records kept by the City and the County with respect to this Project shall be subject to examination by the representatives of each party hereto.

## IX

The City agrees to defend, indemnify and hold harmless the County and the City, its officials, officers, agents, volunteers and employees, from any liabilities, claims, causes of action, judgments, damages, losses, costs or expenses, including, reasonable attorneys' fees, resulting directly or indirectly from any act or omission of the City, its contractors, anyone directly or indirectly employed by them, and/or anyone for whose acts and/or omissions they may be liable. The City's liability shall be governed by the provisions of Minnesota Statutes, Chapter 466 or other applicable law.

The County agrees to defend, indemnify, and hold harmless the City, its officials, officers, agents, volunteers, and employees from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from any act or omission of the County, its contractors, anyone directly or indirectly employed by them, and/or anyone for whose acts and/or omissions they may be liable. The County's liability shall be governed by the provisions of Minnesota Statutes, Chapter 466 or other applicable law.

Nothing in this Agreement shall constitute a waiver of the statutory limits on liability set forth in Minnesota Statutes Chapter 466, as a waiver of any immunities or defenses available to the City or the County under law, or as the City or County accepting liability for the acts or omissions of the other under Minnesota Statutes, section 471.59, subd. 1a. To the fullest extent permitted by law, this Agreement and the activities carried out hereunder shall be construed as "cooperative activity" and it is the intent of the City and County that they shall be deemed a "single governmental unit" for the purposes of determining total liability as set forth in Minnesota Statutes, section 471.59, subd. 1a(b).

## X

It is further agreed that any and all employees of the City and all other persons engaged by the City in the performance of any work or services required or provided for herein to be performed by the City shall not be considered employees of the County, and that any and all claims that may or might arise under the Minnesota Economic Security Law or the Workers' Compensation Act of the State of Minnesota on behalf of said employees while so engaged and any and all claims made by any third parties as a consequence of any act or omission on the part of said employees while so engaged on any of the work or services provided to be rendered herein shall in no way be the obligation or responsibility of the County.

Also, any and all employees of the County and all other persons engaged by the County in the performance of any work or services required or provided for herein to be performed by the County shall not be considered employees of the City, and that any and all claims that may or might arise under the Minnesota Economic Security Law or the Workers' Compensation Act of the State of Minnesota on behalf of said employees while so engaged and any and all claims

made by any third parties as a consequence of any act or omission on the part of said employees while so engaged on any of the work or services provided to be rendered herein shall in no way be the obligation or responsibility of the City.

## XI

In order to coordinate the services of the County with the activities of the City so as to accomplish the purposes of this Agreement, the County Engineer or a designated representative shall manage this Agreement on behalf of the County and serve as liaison between the County and the City.

In order to coordinate the services of the City with the activities of the County so as to accomplish the purposes of this Agreement, the City Engineer or a designated representative shall manage this Agreement on behalf of the City and serve as liaison between the City and the County.

## XII

It is understood and agreed that the entire agreement between the parties regarding the acquisition of right of way and easements for the Project is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.

Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement, or as may be contained in the separate Construction Cooperative Agreement for the Project which will be written when the final construction plans are completed, either of which shall be executed and signed by the parties hereto.

## XIII

This Agreement may be cancelled prior to the completion of the objectives set forth herein with the mutual consent of all parties via an amendment hereto. Cancellation may be considered in the event the anticipated acquisition costs and/or environmental cleanup costs to be paid by the parties increase substantially above those anticipated, or for any other reasons that may arise that jeopardize the feasibility of the Project.

In the event this Agreement is cancelled, the City shall reimburse the County for fifty percent of all right of way acquisition costs previously incurred by the County in accordance with the provisions of this Agreement.

It is understood and agreed that if the City decides not to proceed with construction of the Project, the County will invoice the City for fifty percent of the Project's right of way acquisition costs incurred by the County to date and the City shall reimburse the County for said right of way acquisition costs within forty five (45) days of receipt of invoice. It is further understood and



agreed that the County shall share equally with the City the proceeds from the sale of property acquired for this Project.

**XIV**

The provisions of Minnesota Statutes Section 181.59 and of any applicable local ordinance relating to civil rights and discrimination and the Affirmative Action Policy statement of Hennepin County shall be considered a part of this Agreement as though fully set forth herein.

**XV**

The matters set forth in the "whereas" clauses at the beginning of this Agreement are incorporated into and made a part hereof by this reference.

*(this space left intentionally blank)*

Agreement No. PW 45-19-14  
CSAH 53; C.P. 1011

**IN TESTIMONY WHEREOF**, The parties hereto have caused this Agreement to be executed  
by their respective duly authorized officers as of the day and year first above written.

**CITY OF RICHFIELD**

(Seal)

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

And: \_\_\_\_\_  
Manager

Date: \_\_\_\_\_

**COUNTY OF HENNEPIN**

**ATTEST:**

By: \_\_\_\_\_  
Deputy/Clerk of the County Board

By: \_\_\_\_\_  
Chair of its County Board

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

And: \_\_\_\_\_  
County Administrator

By: Julie K. Bruman  
Assistant County Attorney

Date: \_\_\_\_\_

Date: 10/21/15

And: \_\_\_\_\_  
Assistant County Administrator, Public Works

Date: \_\_\_\_\_

**APPROVED AS TO EXECUTION:**

**RECOMMENDED FOR APPROVAL:**

By: \_\_\_\_\_  
Assistant County Attorney

By: \_\_\_\_\_  
County Highway Engineer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**HENNEPIN COUNTY**  
**PUBLIC WORKS BUSINESS LINE**  
**TRANSPORTATION DEPARTMENT**

**POLICIES FOR COST PARTICIPATION**  
**BETWEEN HENNEPIN COUNTY AND OTHER AGENCIES**  
**FOR COOPERATIVE HIGHWAY PROJECTS**

**AS ADOPTED ON FEBRUARY 7, 2012**

## INTRODUCTION

The attached policies for cost participation will be used by Hennepin County to determine appropriate funding levels for cooperative highway projects with the Minnesota Department of Transportation, municipalities and other agencies.

Cost participation policies were originally established by Hennepin County in 1978. These policies were revised in 1993, 1999 and 2011.

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**HENNEPIN COUNTY**  
**PUBLIC WORKS BUSINESS LINE**  
**TRANSPORTATION DEPARTMENT**

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**POLICIES FOR COST PARTICIPATION  
BETWEEN HENNEPIN COUNTY AND OTHER AGENCIES  
FOR COOPERATIVE HIGHWAY PROJECTS**

**I. PURPOSE**

To establish policies for determining appropriate division of cost participation to be used by Hennepin County in funding cooperative roadway, traffic signal and bridge construction projects with the Minnesota Department of Transportation, municipalities and other agencies.

**II. SCOPE**

The establishment of cost policy is consistent with Minnesota Statutes, Sections 162.17, 373.01, 471.59 and Amendments.

**III. GENERAL POLICIES**

- A. The basic premise is that the County pays for costs peculiar to County needs and municipalities pay for costs peculiar to municipal or local needs.
- B. The County may limit its participation to items eligible for reimbursement with County State Aid Highway (CSAH) funds, notwithstanding the specific policies contained in this document. However, the County will not request CSAH funds for project costs assigned to the municipality as a result of the approved cooperative construction agreement, in order not to preclude the municipality from using its Municipal State Aid funds for those project costs.
- C. A greater degree of County participation is afforded municipalities having a population of less than 5,000 because of the function of the County roadways in these areas. It is generally true that these roadways are of greater benefit to County-wide users and of less benefit to local users than is the case for roadways in more urbanized areas. In addition, this would be a form of compensation for the absence of direct State Aid allocations to these municipalities; notwithstanding the present County program of Aid to Municipalities under 5,000 population.

### III. GENERAL POLICIES - continued

- D. It is recognized that there may be occasional differences between these policies and written participation policies of the Minnesota Department of Transportation. In those cases, participation will be negotiated by the County Engineer.
- E. When federal aid highway funds are utilized on a County highway project, this policy will be applied to the federal participating items and will be shared proportionally with the municipality. In the event federal or state grant funds are made available to a project on a lump sum basis, the County will determine the items for which those funds will be utilized.

### IV. DEFINITIONS

5,000 and Over: A municipality of 5,000 population or more.

Accident Severity Factor: One element of the County's Traffic Signal Ranking System. This factor is used to measure the relative severity of accidents by differentiating between property damage and personal injury accidents in terms of cost.

Bikeway: A bicycle route, bicycle path, or bicycle lane.

1. Bicycle Route. A roadway or shoulder signed to encourage bicycle use.
2. Bicycle Path. A bicycle facility designed for exclusive or preferential use by persons using bicycles and constructed or developed separately from the roadway or shoulder.
3. Bicycle Lane. A portion of a roadway or shoulder designed for exclusive or preferential use by persons using bicycles. Bicycle lanes are to be distinguished from the portion of the roadway or shoulder used for motor vehicle traffic by physical barrier, striping, marking, or other similar device.

County: Hennepin County.

County Engineer: The County Engineer of Hennepin County or a designated representative.

Municipality: Any municipality or township within Hennepin County.

Permanent Traffic Signal: A traffic control signal system normally consisting of metal signal poles with mast arms and underground electrical systems with conduit, cable and handhole installations.

Priority Factor: A number which reflects the sum of the traffic volume factor, the accident susceptibility factor, and the accident severity factor in the County's Traffic Signal Ranking System.

#### IV. DEFINITIONS - continued

Routine Maintenance: Simple, small-scale activities, usually requiring minimal skills or training, associated with regular (daily, weekly, monthly, etc.) and general upkeep against normal wear and tear.

Storm Sewer: A drainage system usually consisting of one or more pipes connecting two or more drop inlets. The purpose is to convey surface runoff water from the inlets to an acceptable outlet.

Street and Pedestrian Lighting: All components normally installed for the purpose of street, and where present, sidewalk/trail illumination.

Standard Specifications: Minnesota Department of Transportation Standard Specifications for Highway Construction, latest edition and/or supplement thereto.

State Aid Manual: Manual published by the Minnesota Department of Transportation outlining State Aid policies and procedures.

State Highway: A highway under jurisdiction of the State of Minnesota.

Temporary Traffic Signal: A traffic control signal system normally consisting of wood poles with signal indications suspended on span wires and overhead electrical systems, or used mast arms and poles taken from other locations.

Trunk Line: Main conveyor of storm sewer system.

Under 5,000: A municipality or township under 5,000 population.

Utilities: Water, heating, electric, storm sewer, gas, sanitary, telephone, cable TV, telegraph, street lighting, fiber optics, etc.

#### V. ROADWAYS

The County's participation in roadway projects will be as follows:

##### A. Right of Way

Under 5,000	100%
5,000 and Over	50%

The County will not participate in right of way for parking lanes requested by a municipality.

The County's percentage of participation in retaining walls and appurtenances constructed in lieu of right of way will be the same as for right of way. Routine maintenance shall be a municipality responsibility. Wall reconditioning/replacement costs shall be split at the same percentage as the original installation unless a



**V. ROADWAYS - continued**

municipality's population either rises above or falls below 5,000 between initial construction and subsequent reconditioning/replacement.

Right of way required for wetland mitigation and for surface water retention basins will be at the same participation ratio as the remainder of the project even if the locations of these facilities are not contiguous to the project.

B. Grading  
Under/5,000 and Over 100%

C. Surfacing  
Under/5,000 and Over 100%

The County will not participate in surfacing of parking lanes requested by a municipality.

**D. Storm Sewer**

The County's participation is based on the State Aid formula as defined in the State Aid Manual.

The following formula determines the percent eligibility for State Aid funds for trunk storm sewer and catch basins and leads. The formula allows for some contributing drainage areas outside of the State Aid right of way that still results in 100% eligibility for State Aid funds for the storm sewer system. The County's participation in State Aid eligible storm sewer costs (including trunk lines, catch basin/leads, and water quality/retention structures and basins) within the logical touchdown limits of the County highway will be at the percentage in the Cost Participation Summary below. The County will not participate in any portion of the drainage system not eligible for State Aid funding. Storm sewer cost participation for frontage roads shall be determined by the County Engineer.

Routine maintenance of catch basins and leads, and trunk lines serving the County roadway only shall be a County responsibility. Routine maintenance of trunk lines serving areas beyond the County roadway shall be a municipality responsibility.

**State Aid Eligibility Formula**

% Eligible = 25% + {(State Aid Right of Way Area) (F) / Total Drainage Area} x 100%

F = 1.0 when the area outside State Aid R/W is predominately hard-surface (such as a commercial district)

F = 2.0 where the area outside State Aid R/W is predominately residential

V. **ROADWAYS** - continued

Cost Participation Summary

1. State Aid Eligible	
Under 5,000	100%
5,000 and Over	50%

2. Non-State Aid Eligible	
Under /5,000 and Over	0%

E. Concrete Sidewalk

New – Under/5,000 and Over	25%
----------------------------	-----

Replacement - Under/5,000 and Over	State Aid Eligibility or 100% Whichever is Less
------------------------------------	--

Maintenance of sidewalk shall be a municipality responsibility.

F. Concrete Curb and Gutter (New or Reconstructed) Concurrent with County Construction Project

Urban/Suburban Typical Section

Under 5,000	75%
5,000 and Over	50%

Rural Typical Section\*

Under 5,000	100%
5,000 and Over	100%

\*Curb and gutter used to minimize project impacts

G. Concrete Curb and Gutter and Sidewalk for Medians (New or Reconstructed) Concurrent with County Construction Project

100%

H. Concrete Driveway Entrances (New or Reconstructed) Concurrent with County Construction Project

Under 5,000	75%
5,000 and Over	50%

I. Municipal Utility Relocation or Reconstruction

1. Initial installation performed without a permit or not in compliance with a County permit.	
Under/5,000 and Over	0%

V. ROADWAYS - continued

2. Relocation, reconstruction, improvement, or replacement of unserviceable existing facilities (County Engineer shall determine if existing facility is serviceable or unserviceable).  
Under/5,000 and Over 0%
3. Relocation necessitated because of addition of parking lane requested by the municipality.  
Under/5,000 and Over 0%
4. In-kind relocation required solely because of County construction procedures.  
Under/5,000 and Over 100%
5. Adjustment of existing utility structures to accommodate elevation changes at the street surface. This includes items such as adjusting manhole castings and valve boxes. Lateral extension of utility appurtenances such as hydrants, water service valves, etc. required by the road construction are not included in this category unless they are required solely due to the addition of a parking lane requested by a municipality.  
Under/5,000 and Over 0%

J. Private Utility Relocation or Reconstruction

- Utility is located outside County right of way and/or public purpose easement
- |                |      |
|----------------|------|
| Under 5,000    | 100% |
| 5,000 and Over | 50%  |
- Utility is located within County right of way and/or public purpose easement
- |                      |    |
|----------------------|----|
| Under/5,000 and Over | 0% |
|----------------------|----|

K. Noise Walls/Barriers/Mitigation Fences

- |                |                               |
|----------------|-------------------------------|
| Under 5,000    | 100% of State Aid Eligibility |
| 5,000 and Over | 50% of State Aid Eligibility  |

The County will share as indicated with a municipality in the cost of noise wall/barrier construction and for fences constructed in lieu of noise walls/barriers. The cost of aesthetic features not eligible for State Aid funding shall be the responsibility of the municipality.

Routine maintenance shall be a municipality responsibility. Noise wall/barrier reconditioning/replacement costs shall be split at the same percentage as the original installation unless a municipality's population either rises above or falls below 5,000 between initial construction and subsequent reconditioning/replacement. The reconditioning/replacement of fences constructed in lieu of noise walls shall be the responsibility of the municipality, unless a separate agreement is made with the property owners.

## VI. TRAFFIC SIGNAL SYSTEMS

As traffic volumes increase, the County is being faced with an expanding number of intersections where traffic signals are warranted in accordance with the Manual on Uniform Traffic Control Devices. Installation of marginally warranted traffic signals reduces the efficiency of moving traffic on the County highway system and consumes construction and maintenance funds more appropriately used on higher priority needs. The County must, therefore, be more selective in terms of which traffic signals are installed and the extent of County participation. The County has developed a Traffic Signal Ranking System which reflects traffic volumes and accident susceptibility and severity. This system will be utilized to determine priorities for new traffic signals (both temporary and permanent). As a general policy, the County will not normally install, or allow to be installed, traffic signals at intersections with a priority factor of less than 30. In addition, some elements of County participation may vary depending upon the factors in the Traffic Signal Ranking System.

Municipalities under 5,000 normally will not be required to participate in costs for traffic signal systems.

The County's participation in traffic signal projects with the Minnesota Department of Transportation, municipalities 5,000 and over and other agencies will be as follows:

### A. Permanent Traffic Signal System Installations

The County will not normally install, or allow to be installed, traffic signals at intersections with a priority factor of less than 30.

At locations where traffic signals are warranted and have a priority factor of 30 or more in the County's Traffic Signal Ranking System, the construction costs shall be pro-rated as follows. The construction costs include all of the control equipment and standards, signal heads and related items, but does not include the costs of interconnect cable, conduit, and handholes necessary to coordinate traffic signals between intersections. These interconnect costs will be 100% County cost.

#### 1. No Trunk Highways involved:

Two legs of the intersection or less are County roadways.	State Aid Eligibility or 25% Whichever is Less
Three legs or more of the intersection are County roadways	State Aid Eligibility or 50% Whichever is Less

#### 2. Trunk Highways involved:

County participation shall be calculated as follows:

County cost share x (number of County legs ÷ total number of legs) x 50%

If no leg is city/private the County will pay 100% of the County share.

## **VI. TRAFFIC SIGNAL SYSTEMS - continued**

### **B. Reconstruction of Existing Traffic Signal Systems**

Where existing traffic signals are upgraded by installation of a new system, the County's share shall be twice that shown in Paragraph A of Section No. VI.

### **C. Temporary Traffic Signal Installations**

The County prefers that permanent traffic signals be installed initially wherever feasible. In the event that permanent traffic signals are not feasible, the following cost participation policies apply for temporary traffic signal installations:

- The costs for temporary traffic signals installed only for traffic control during construction of a County project shall be paid 100% by the County.
- The municipality will pay the full cost of a temporary traffic signal and will not receive any credit for those costs when a permanent traffic signal is installed if, at the time the temporary traffic signal is installed, the accident severity factor is less than 10 or the priority factor is less than 40.

The following shall apply to temporary traffic signals where the accident severity factor is greater than or equal to 10 and the priority factor is greater than or equal to 40:

- For those temporary traffic signal projects with an accident severity factor greater than 19 or priority factor greater than 49, the municipality will receive credit for 75% of the temporary traffic signal cost when the permanent traffic signal is installed.
- For those temporary traffic signal projects with an accident severity factor of 10-19 or a priority factor of 40-49, the municipality will receive credit for 50% of the temporary traffic signal cost when the permanent traffic signal is installed.

D. Electrical power shall be furnished by the municipality. Source of power, including transformer, shall be provided by the municipality.

E. Maintenance for all traffic signals on County roadways shall be furnished by the County when the County is the road authority.

F. The entire cost of necessary equipment, installation and maintenance of any traffic signal emergency preemption equipment will be borne by the municipality.

G. Costs for County furnished equipment such as, but not limited to, controller cabinets, mast arms, poles, etc. will be apportioned the same as the traffic signal installation/reconstruction costs.

H. When street lighting is integral to the traffic signal pole, the cost will be included with installation.

## **VII. BRIDGES**

The County's participation in bridge projects will be as follows:

Under/5,000 and Over

Negotiation by County Engineer

## **VIII. LIGHTING**

Under/5,000 and Over

50% of State Aid Eligible Costs

The County will not participate in the installation of new street lighting as long as the lighting adequately lights the County highway. The County will participate in the installation of pedestrian level lighting along sidewalks/trails if street lighting does not adequately light them or if the pedestrian level lighting can adequately light both the street and sidewalks/trails. Lighting shall become the property of the municipality. Participation in the relocation or reconstruction of existing street lighting will be on the same basis as for municipal utility relocation or reconstruction (see Paragraph I. of Section No. V.).

## **IX. BIKEWAYS AND MULTIPLE USE TRAILS**

The County's participation will be as follows:

### **A. Bicycle lanes on the highway**

Under 5,000 and Over

100%

### **B. Off highway bikeways/multiple use trails**

New- Under 5,000 and Over

50%

Replacement- Under 5,000 and Over

100%

Hennepin County encourages the increased use of bicycles as a means of transportation. To that purpose, it will incorporate bicycle lanes or routes within the highway corridor when feasible and when the bicycle incorporation has logical utility.

Routine maintenance of off highway bikeways and multiple use trails will be the responsibility of the municipality.

## **X. LANDSCAPING**

The County will participate in landscaping to the extent of allowable State Aid participation at a rate consistent with Section XVII. of this policy. The County will not participate in irrigation system costs.

Landscape materials installed shall become the property and maintenance responsibility of the municipality.

## **XI. UNDERGROUNDING OF OVERHEAD UTILITIES IN VEHICLE RECOVERY ZONE**

As a means of enhancing the safety of the roadside, the County will share equally with the municipality in the State Aid eligible cost of undergrounding of overhead utilities in vehicle recovery zones as established in the State Aid Rules to a maximum amount consistent with Section XVII. of this policy.

## **XII. MULTI-MODAL SUPPORT**

To the extent eligible for State Aid reimbursement, the County will share equally with the municipality in the cost of transit shelters, benches, hard paved surfaces at transit shelters and stops, and bicycle racks to provide options for travelers along the corridor. The furnishings shall become the property of the municipality.

## **XIII. ENGINEERING**

The County's participation in engineering includes design costs which are costs incurred prior to the award of the contract and contract administration costs which are costs incurred subsequent to the award of contract.

- A. Design and/or Contract Administration performed by the County and based on the municipality's share of contract construction.

Under/5,000 and Over

\*Negotiation by County Engineer

- B. Design and/or Contract Administration performed by the municipality and based on the County's share of contract construction.

Under/5,000 and Over

\*Negotiation by County Engineer

\* Based on current Hennepin County costs.

## **XIV. LUMP SUM, PRO-RATA ITEMS**

Proposal forms carry lump sum bidding requirements for the items of Mobilization (2021) and Traffic Control (0563).

Field Office and Field Laboratory (2031) are not, strictly speaking, lump sum pay items. However, their general characteristics are such as to require that they be handled the same as Mobilization. A municipality shall be charged a pro-rata share of the above items. Proration shall be based on a percentage factor applied to the cost amounts chargeable to

#### **XIV. LUMP SUM, PRO-RATA ITEMS - continued**

the County and the municipality for other construction items. Mobilization, Field Office and Field Laboratory, and Traffic Control are construction items and shall be subject to the negotiated percentage charge for engineering.

#### **XV. INVOICE AMOUNT COMPUTATION**

After bids have been received and a contract awarded, and also upon completion of construction, the unit prices shall be substituted for the estimated unit prices/quantities and the percentage ratio established originally shall be recomputed.

#### **XVI. UTILIZATION OF TAX INCREMENT FINANCING**

This policy has been included to address the use of Tax Increment Financing on County projects by municipalities. Tax Increment Financing limits expansion of the tax base for new development and, thereby, limits the availability of additional County Property Tax funding which might be used on the County highway system.

The County's participation in a project where Tax Increment Financing is utilized by a municipality will be as follows:

At the time a municipality is requested to approve the preliminary plans for a project, the municipality must identify, by resolution, whether it intends to use Tax Increment Financing for any portion of the project cost. If the municipality elects to use Tax Increment Financing from any Economic Development District for any portion of the project cost, municipal participation will be 50% of the total engineering and construction cost and 100% of the right of way cost for any portion of the project within that municipality.

#### **XVII. ROADSIDE ENHANCEMENT PARTNERSHIP PROGRAM**

The Roadside Enhancement Partnership Program has been incorporated into these policies and governs only those projects which are along County road corridors within municipalities located entirely within the Metropolitan Urban Services Area on December 8, 1998 and have been funded from the "Highway Enhancement" element of the 1999 Capital Budget which was established by the County Board of Commissioners on December 8, 1998 (Resolution No. 98-12-701R1).

County highway corridors in municipalities located wholly within the 1999 Metropolitan Urban Services Area (MUSA) were developed during an era when community interest and focus was on the accommodation of the automobile. As a result, those corridors tended to lack aesthetic roadside features and produced somewhat stark conditions with little visual appeal or consideration for mixed use, i.e. intermodal. The goal of the Roadside Enhancement Partnership Program is to enhance the roadside environment of such County highway corridors and bolster community support, in terms



## **XVII. ROADSIDE ENHANCEMENT PARTNERSHIP PROGRAM - continued**

of both acceptance and financial assistance, for projects intended for such enhancement. In addition, the program is intended to increase traveler awareness that such corridors are under the jurisdiction of the County, but are also intended to support the economic viability and sustainability of the communities and neighborhoods through which they traverse.

### **Program Objectives:**

The Roadside Enhancement Partnership Program objectives are to:

- remove unsightly roadside features
- establish the roadway as a good neighbor
- make a positive impression on roadway users
- increase motorist awareness that the road is a County highway
- improve safety for all types of travelers
- promote multi-modal use of the corridor

### **Program Prioritization for County Funding:**

#### Enhancements Which Improve Corridor User Safety

It is important to improve corridor user safety for motorists, bicyclists, pedestrians and transit patrons as an element of a streetscape enhancement. When municipalities and community organizations develop corridor enhancement programs, the financial incentive offered by the partnership program will focus first on improvements which promote safety. Examples of safety improvements which may also be defined as enhancements to the streetscape include:

- undergrounding of utilities when poles lie within vehicle recovery zones
- construction of off-road bicycle paths which will remove bicyclists from the roadway
- construction of sidewalk where safety of pedestrian traffic, existing or projected, necessitates such action
- installation of transit stops to define locations for patrons and provide shelter from the elements
- installation of street and/or pedestrian lights

#### Enhancements Which Promote Multi-Modalism

In order to improve modal options available to citizens, the partnership program will provide financial incentive for improvements which offer an alternative to single occupancy vehicles as streetscape enhancements are developed. Examples of multi-modal improvements include:

- installation of transit shelters, benches and hard surface paving
- construction of bikeways and multiple use trails
- construction of sidewalks
- installation of bicycle racks

## **XVII. ROADSIDE ENHANCEMENT PARTNERSHIP PROGRAM - continued**

### **Roadway Beautification**

Although projects which promote corridor user safety and multi-modalism are of higher priority within the context of corridor enhancement, improvement of a corridor's visual aesthetic remains a strong priority of the partnership program. The partnership program is intended to restore an aesthetic appeal to the roadside and restore the County road corridor as a "good neighbor" within the community. Examples of roadway beautification elements include:

- planting materials and appurtenances which support their viability (does not include irrigation)
- installation of vertical elements (bollards, banner poles, etc.)
- installation of streetscape materials to establish a theme consistent with area architecture (does not include irrigation)

### **Screening/Separation of Adjacent Properties**

Occasionally, it is necessary to screen abutting properties from a roadway corridor as a means of enhancing the visual aesthetics of the area. Separation of properties from the corridor may also serve to improve corridor user safety (fences separating parking lots from pedestrian ways).

### **Increase Awareness of County Highway Jurisdiction**

In order to improve public awareness of the existence of a road as a County highway, the partnership program will provide a financial incentive for improvements which recognize the County's presence. Examples of elements which increase public awareness include:

- monuments at municipal entries which recognize the County
- roadway/roadside signage which identifies the road as a County route

### **Ownership/Maintenance of Improvements**

The partnership program anticipates that municipalities will become owners of and will be responsible for the maintenance of enhancements financed by the County.

### **Partnership Program Funding Levels**

County funding under the partnership program is not intended to further write down municipal cost participation if funding for these items is provided elsewhere in this policy or from other County funding sources.

### **Street Light Installation**

50%

The partnership program will participate with municipalities to provide adequate, uniform street lighting for the safety of motorists, bicyclists and pedestrians.

### **Pedestrians Level Light Installation**

50%

Where street lighting cannot serve the sidewalk or off road trail, the partnership program will participate in the cost.

If street lighting can serve the sidewalk or off road trail, the partnership program will not participate in the cost.

**XVII. ROADSIDE ENHANCEMENT PARTNERSHIP PROGRAM - continued**

Undergrounding of Overhead Utilities 50% or 33%

The partnership program will participate with municipalities based upon conditions that exist along the corridor. If the undergrounding is for safety purposes, the partnership program will contribute at a 50% level. If the undergrounding is to enhance the visual aesthetics of the corridor, the partnership program will contribute at a 33% level.

Note: The maximum partnership program contribution for undergrounding overhead utilities will be \$500,000 per centerline mile (project length) under the 50% level and \$330,000 per centerline mile (project length) under the 33% level.

Construction of Sidewalks for Pedestrian Safety 25%

The partnership program will participate where pedestrian safety, existing or projected, necessitates construction of sidewalks.

Enhancements that Promote Multi-Modalism 50%

The partnership program will participate to promote the use of transit by the public, including transit stops, shelters, benches, hard surface paving, bike racks, bikeways and multiple use trails.

Roadway Beautification 33%

The maximum partnership program contribution will be \$330,000 per centerline mile.

Note: Since surface treatments (color, scoring patterns, etc.) have limited visual impact on the motorist, the partnership program will not contribute toward the cost of the improvements.

Screening/Separation of Adjacent Properties 50%

The partnership program will participate equally with municipalities to provide security for corridor users. Examples of security improvements include fencing which separates parking lots from adjacent public bicycle and pedestrian ways and lighting at transit stops.

Increase Awareness of County Highway Jurisdiction Up to 50%

The partnership program will contribute up to 50% for monuments at municipal boundaries that recognize the County and the road as a County highway.

## APPENDIX A

Municipalities Wholly Within the Metropolitan Urban Services Area on December 8, 1998

Bloomington  
Brooklyn Center  
Brooklyn Park  
Crystal  
Deephaven  
Edina  
Excelsior  
Fort Snelling  
Golden Valley  
Greenwood  
Hopkins  
Long Lake  
Medicine Lake  
Minneapolis  
Minnetonka  
Minnetonka Beach  
Mound  
New Hope  
Osseo  
Richfield  
Robbinsdale  
St. Anthony  
St. Louis Park  
Shorewood  
Spring Park  
Tonka Bay  
Wayzata  
Woodland



**STAFF REPORT NO. 227**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Jeff Pearson, City Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
12/1/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the adoption of resolution supporting an additional median design for 66th Street at James Avenue.**

**EXECUTIVE SUMMARY:**

Due to the scope of the 66th Street reconstruction project, a Value Engineering Study was required and completed by MnDOT on October 9, 2015. One of the recommendations from that study was additional medians along 66th Street in the areas between Penn Avenue to I-35W and Nicollet Avenue to Portland Avenue. These access control medians were not included in the original design layouts previously approved by City Council.

As directed by City Council, a public open house was held on November 19, 2015 to gather feedback to the proposed medians. As a result of that feedback, staff recommended four options for medians to the Council at the November 24, 2015 worksession. The Council requested that 'Option C', with one additional median at James Avenue, be continued for formal consideration.

The median at James Avenue creates an improved pedestrian access to Monroe Park for users north of 66th Street. In addition, the access impacts to residents of a median at this location are minimized since there is no south leg to the intersection. For these reasons, the James Avenue location likely provides the greatest benefit to impact ratio of all options proposed.

**RECOMMENDED ACTION:**

**By Motion: Adopt a resolution approving the addition of a full-closure median on 66th Street at James Avenue with the inclusion of an enhanced pedestrian crossing to Monroe Park.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

**Current Layout Approval**

- The City Council approved the current 66th Street design layouts on the following dates:
  - East Segment - 10/28/2014
  - West Segment - 12/09/2014
  - Intersections (Roundabouts) - 02/24/2015

## **VE Study Recommendations**

- Additional access control medians between Penn Avenue and I-35W.
- Additional access control medians between Nicollet Avenue and Portland Avenue.
- Recommended medians would create right-in, right-out intersections at approximately every other side street.
- Other recommendations did not affect layout (staging, contract letting, etc.).

## **Staff Recommendations Based on Public Input**

- Option A - Additional full medians at: Morgan Ave, Knox Ave, James Ave, 2nd Ave.
- Option B - Additional full medians at: Morgan Ave, Knox Ave, James Ave.
- Option C - Additional full median at James Ave.
- Option D - "No change", Full medians only at previously approved locations.

## **B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- The reconstruction project is consistent with the City Comprehensive Plan (Chapter 6 – Transportation)
- The addition of a full-closure median with an enhanced pedestrian crossing at James Avenue is consistent with multiple City planning documents including:
  - Street Reconstruction Guiding Principles Document
  - Complete Streets Policy
  - Comprehensive Plan (Chapter 6 – Transportation)

## **C. CRITICAL TIMING ISSUES:**

Hennepin County is at 85% design and needs any additional design changes to be approved by December to complete the plans by the required funding dates.

## **D. FINANCIAL IMPACT:**

The additional median will have minimal impact to the cost of the project.

## **E. LEGAL CONSIDERATION:**

The City Attorney will be available to answer questions.

## **ALTERNATIVE RECOMMENDATION(S):**

Council may choose to reject the additional median and direct staff on how to proceed.

## **PRINCIPAL PARTIES EXPECTED AT MEETING:**

Area residents

## **ATTACHMENTS:**

Description	Type
□ Resolution Supporting James Ave Median	Resolution Letter
□ James Ave with Enhanced Crossing	Exhibit

**RESOLUTION NO.**

**RESOLUTION SUPPORTING HENNEPIN COUNTY TO INCLUDE A FULL MEDIAN  
WITH AN ENHANCED PEDESTRIAN CROSSING AT JAMES AVENUE FOR THE  
DESIGN OF COUNTY STATE AID HIGHWAY (CSAH) 53  
HENNEPIN COUNTY PROJECT NO. 1011**

WHEREAS, Hennepin County and the City of Richfield are in the final design phase for the reconstruction of County State Aid Highway 53 (66<sup>th</sup> Street S) between Xerxes and 16<sup>th</sup> Avenue S; and

WHEREAS, Construction of the above mentioned improvements will be accomplished under Hennepin County Project Number 1011 (State Aid Project Number 027-653-021); and

WHEREAS, A project value engineering study was completed on October 9, 2015; and

WHEREAS, Recommendations from the study included additional medians along 66<sup>th</sup> Street to provide an increased safety benefit to road users; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield:

That the City actively supports Hennepin County in the design of an additional full median at James Avenue, including an enhanced pedestrian crosswalk, as part of the proposed County State Aid Highway (CSAH) 53 roadway reconstruction project.

Adopted by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of December, 2015.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

# Enhanced Crossing at Park



Supported by the following  
Guiding Principles:

- Multimodal Design
- Connectivity and Public Realm
- Local Economy
- Design for People
- Community Character and Identity
- Sustainable Solutions
- Healthy and Active Lifestyles







**STAFF REPORT NO. 228**  
**CITY COUNCIL MEETING**  
**12/8/2015**

REPORT PREPARED BY: Chris Regis, Finance Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
12/2/2015

OTHER DEPARTMENT REVIEW: None

CITY MANAGER REVIEW: Steven L. Devich  
12/2/2015

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the resolutions approving the 2015 Revised/2016 Proposed budget and tax levy and related resolutions.**

**EXECUTIVE SUMMARY:**

On September 8, 2015, the City Council approved and certified a preliminary tax levy of \$18,820,576 to Hennepin County. The final tax levy must now be considered and approved by the City Council. The final levy may be less but cannot be greater than the preliminary levy amount. Taxpayers have received individual parcel specific tax notices in anticipation of the truth-in-taxation hearing.

The City of Richfield has conducted and closed its 2015 truth-in-taxation hearing on December 1, 2015. During the course of the public hearing, there was an opportunity for testimony from the general public. Information was also presented by staff regarding the proposed levy and budget. No official City Council action to act on the levy was permissible on the day of the public hearing.

Included for your consideration are salary increases for non-represented employee pay plans. The proposed increases are 2.50% increase for the Management and General Services pay plans, and 1% for the Specialized pay plan. The increases are effective the first full pay period of January 2016.

Also included is a revised public purpose expenditure policy. In July 2003, the Richfield City Council adopted a Public Purpose Expenditure Policy, which defines when, and for what purposes, public funds may be spent. In January of 2015, the City Council adopted an updated version of this policy. The policy establishes a clear set of guidelines to assist elected officials, employees and representatives of the City when approving the expenditure of public funds. An annual review and consideration of this policy ensures that the City's expenditures have been carefully considered and determined by the governing body to be for a public purpose.

**RECOMMENDED ACTION:**

**By Motion: Adopt the resolutions approving the 2015 Revised/2016 Proposed budget and tax levy and related resolutions.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

This information is contained in the Executive Summary.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- A revised 2015 budget and final 2016 budget and tax levy must be adopted on or before December 28, 2015.
- Cities then have five working days after December 20 or no later than December 28 to prepare all the documentation necessary to certify a final levy to the County Auditor and State Department of Revenue.
- A proposed 2016 tax levy has been submitted to the City Council for consideration.
- Several related resolutions included within the total budget document need to be considered. These related resolutions are itemized in the attachment section of this staff report.

**C. CRITICAL TIMING ISSUES:**

N/A

**D. FINANCIAL IMPACT:**

- The proposed gross tax levy for 2015 is \$18,820,576.
- The gross tax levy for 2016 reflects a 2.91% increase from the previous year's gross levy.
- The City's tax capacity rate will increase from 60.133% in 2015 to 60.927% in 2016.
- The levy increase comprises four components as follows:

◦ General Fund Levy	1.10%
◦ Equipment Levy	0.27%
◦ Debt Service Levy	1.58%
◦ Tax Abatement Levy	(0.04%)
Total	2.91%
- 2.50% wage increase for Management and General Services employees effective January 2016 and 1% for employees in the specialized pay plan.

**E. LEGAL CONSIDERATION:**

A truth-in-taxation public hearing for the 2016 proposed budget and tax levy was conducted on December 1, 2015.

**ALTERNATIVE RECOMMENDATION(S):**

The City Council could adopt a final 2016 budget and tax levy in any amount, which does not exceed the preliminary levy of \$18,820,576.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

Description	Type
□ Resolution Adopting Proposed Budget and Tax Levy 2016	Resolution Letter
□ Resolution Authorizing Budget Revisions	Resolution Letter
□ Resolution Authorizing Revision of 2015 Budget of Various Departments	Resolution Letter
□ Resolution Authorizing Adjustments to City's Mileage Reimbursement Rate	Resolution Letter
□ Resolution Adopting the 2016 Capital Improvement Budget	Resolution Letter
□ Resolution Adopting the 2017-2020 Capital Improvement Program	Resolution Letter
□ Resolution Relating to Purchasing Practices in the City of Richfield	Resolution Letter
□ Resolution Establishing Utility Service Rates and Charges	Resolution Letter
Resolution Establishing a Public Works On-Call	

▣	Compensation Policy	Resolution Letter
▣	Resolution Approving the Revised Public Purpose Expenditure Policy	Resolution Letter
▣	Public Purpose Expenditure Policy	Resolution Letter
▣	Resolution Approving the Revised Car Allowance Policy	Resolution Letter
▣	Resolution Approving the 2016 Pay Plans	Resolution Letter
▣	Resolution establishing 2016 license, permit and miscellaneous fees - Appendix D	Resolution Letter

**RESOLUTION NO.  
RESOLUTION ADOPTING A PROPOSED BUDGET AND TAX LEVY  
FOR THE YEAR 2016**

**WHEREAS**, the Minnesota Truth in Taxation law provides for a proposed tax levy to be certified to the County Auditor by September 30, 2015 and then recertified before December 28, 2015.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota as follows:

1. The budget for the City of Richfield for the year 2016 is hereby approved and adopted with appropriations for each of the departments to be as follows:

General Fund

Legislative/Executive	\$ 847,420
Administrative Services	1,311,930
Public Safety	8,574,650
Fire Services	3,896,340
Community Development	1,394,410
Public Works	3,886,350
Recreation Services	1,838,320
Transfer Out	150,000
<b>TOTAL GENERAL FUND</b>	<u><u>\$21,899,420</u></u>

2. The estimated gross revenue of the City of Richfield from all sources, including general ad valorem tax levies as hereinafter set forth for the year 2016 which are more fully detailed in the City Manager's official copy of the 2016 budget, are hereby found and determined to be as follows:

<b>TOTAL GENERAL FUND</b>	<u><u>\$21,899,420</u></u>
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3. There is hereby levied upon all taxable property in the City of Richfield a direct ad valorem tax in the year 2015, payable in 2016 for the following purposes and in the following amounts:

<u>PURPOSE</u>	<u>AMOUNT</u>
General Fund <sup>1</sup>	\$15,365,343 <sup>2</sup>
Equipment	750,000
Debt Service	2,406,043
Cedar Point Tax Abatement	299,190

<sup>1</sup> Provision has been made in the General Fund for the payment of the City's contributory share to Public Employees' Retirement Association.

<sup>2</sup> General Fund Levy included all fiscal disparities distribution amounts.

4. The debt service tax levy as established in the bond documents for the G.O. Street Reconstruction Bonds, Series 2012A, will be reduced from \$144,071 to \$131,691 due to the use of surplus bond proceeds from the issue.

5. The debt service tax levy as established in the bond documents for the G.O. Street Reconstruction Bonds, Series 2015A will be reduced from \$634,154 to \$281,866 due to the utilization of gas and electric franchise fees.
6. The budget for the Housing and Redevelopment Authority of Richfield for the year 2016 is hereby ratified and approved. There is hereby levied upon all taxable property in the City of Richfield a direct ad valorem tax in the year 2015, payable in 2016 for the following purposes:

<u>PURPOSE</u>	<u>AMOUNT</u>
Housing and Redevelopment Authority	\$508,759

5. A certified copy of this resolution shall be transmitted to the County Auditor.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December 2015.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**  
**RESOLUTION AUTHORIZING BUDGET REVISIONS**

**WHEREAS**, the City Charter and Minnesota Statutes provide for a process for adopting an annual budget and tax levy; and

**WHEREAS**, the City Charter provides certain authority for the City Manager and/or City Council to revise the annual budget; and

**WHEREAS**, it would be beneficial to restate such authority with the adoption of the budget.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota as follows:

The City Manager may increase the budget by City Council action provided that unbudgeted receipts will be available to equal or exceed the increased expenditures.

The City Manager may authorize transfers between divisions within a department providing the transfers do not increase or decrease the department or total budget.

The City Manager may transfer budgeted amounts between departments only with the approval of the City Council.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December, 2015.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

## RESOLUTION NO.

### RESOLUTION AUTHORIZING REVISION OF 2015 BUDGET OF VARIOUS DEPARTMENTS

**WHEREAS**, Resolution No. 11017 appropriated funds for personal services, other expenses and capital outlays for each department of the City for the year of 2015; and

**WHEREAS**, The City Charter, Chapter 7, Section 7.09, gives the Council authority to transfer unencumbered appropriation balances from one department to another within the same fund at the request of the City Manager; and

**WHEREAS**, The City Manager has requested a revision of the 2015 budget appropriations in accordance with Charter provisions and as detailed in the Proposed 2016 budget document.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota as follows:

1. That the 2015 appropriations for each department of the General Fund be amended to establish the following totals:

<u>General Fund</u>	
Legislative/Executive	\$ 851,130
Administrative Services	1,238,390
Public Safety	7,983,090
Fire Services	3,780,300
Community Development	1,346,280
Public Works	3,689,410
Recreation Services	1,776,460
Transfer Out	147,370
TOTAL GENERAL FUND	<u>\$20,812,430</u>
DECREASE	<u>\$ 315,230</u>

2. Estimated 2015 gross revenue of the City of Richfield from all sources, as the same are more fully detailed in the City Manager's official copy of the proposed 2016 budget, are hereby revised as follows:

DECREASE	<u>\$315,230</u>
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3. That the City Manager and the Finance Manager bring into effect the provisions of this resolution.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December 2015.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**  
**RESOLUTION AUTHORIZING ADJUSTMENT TO CITY'S MILEAGE**  
**REIMBURSEMENT RATE TO CONFORM TO INTERNAL REVENUE SERVICE**  
**STATUTORY MILEAGE REIMBURSEMENT RATE**

**WHEREAS**, the Internal Revenue Service periodically adjusts the business mileage reimbursement rate; and

**WHEREAS**, the City of Richfield's present mileage reimbursement is in conformance with the Internal Revenue Service business mileage reimbursement rate; and

**NOW , THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota:

1. That the City Manager of Richfield is hereby authorized and directed to adjust the City's mileage reimbursement rate to be in conformance with Internal Revenue Service guidelines.
2. That the City's mileage reimbursement rate is not to exceed the Internal Revenue Service guidelines.

Approved by the City Council of the City of Richfield, Minnesota this 8th day of December, 2015.

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Debbie Goettel, Mayor

ATTEST

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Elizabeth VanHoose, City Clerk



## **RESOLUTION NO.**

### **RESOLUTION ADOPTING THE 2016 CAPITAL IMPROVEMENT BUDGET**

**WHEREAS**, a proposed Capital Improvement Budget for 2016 has been prepared and submitted for review by the City Council in accordance with charter requirements; and

**WHEREAS**, the City Council has received the recommendations and benefit of review of these proposed documents by the Planning Commission and has itself reviewed these proposals.

**NOW, THEREFORE, BE IT RESOLVED** that the 2016 Capital Improvement Budget in the sum total of \$15,040,000 is hereby approved as amended and adopted with full recognition of the fact that the cost estimates are approximate and are subject to final cost estimates and that all awards of contracts for these projects are subject to necessary hearings and must be approved by the City Council in accordance with established laws and practices governing such action, and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized and directed to initiate the procedures which will lead to more formal and detailed consideration of these projects in accordance with the aforementioned laws and practices.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December, 2015.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**  
**RESOLUTION ADOPTING THE 2017-2020 CAPITAL IMPROVEMENT PROGRAM**

**WHEREAS**, a proposed Capital Improvement Program 2017-2020 has been prepared for review by the Planning Commission in accordance with charter requirements; and

**WHEREAS**, the City Council has received the recommendations and benefit of review of these proposed documents by the Planning Commission and has itself reviewed these proposals.

**NOW, THEREFORE, BE IT RESOLVED** that the 2017-2020 Capital Improvement Program is hereby approved and adopted subject to annual review and revision;

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized and directed to initiate the procedures which will lead to more formal and detailed consideration of these projects in accordance with the aforementioned laws and practices.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December, 2015.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**

**RESOLUTION RELATING TO PURCHASING PRACTICES IN THE CITY OF  
RICHFIELD AMENDING RESOLUTION NO. 11023**

**WHEREAS**, the City Manager of the City of Richfield has purchasing authority pursuant to the City Charter and Administrative Ordinance Code; and

**WHEREAS**, the City Charter and Administrative Ordinance Code expressly state a purchasing authority limit for the City Manager, and

**WHEREAS**, all purchases in excess of \$100,000 will require approval by City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield as follows:

That the City Manager of the City of Richfield is hereby granted the authority to enter into contracts or approve purchases on behalf of the City of Richfield up to, but not to exceed \$100,000.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December, 2015.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

## RESOLUTION NO.

### RESOLUTION ESTABLISHING WASTEWATER SERVICE RATES AND CHARGES, WATER RATES AND CHARGES, SPECIAL WATER SERVICE CHARGES, STORM SEWER RATES AND CHARGES, STREET LIGHT RATES AND CHARGES, AND 6.5% PENALTY ON PAST DUE ACCOUNTS

**BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota, as follows:

#### SANITARY SEWER SERVICE RATES AND CHARGES FOR 2016

1. Pursuant to the provisions of Section 7.05 of the Ordinance Code of the City of Richfield, the rates and charges for use and service of the sanitary sewer system are hereby established to be those set forth in the following paragraphs of this resolution which rescinds Resolution No. 11024:
2. Where the rate is not based upon the metered use of water, the following quarterly flat charges are established effective January 1, 2016 for each billing district as defined in paragraph 3 of this resolution.

A)	Residential per unit	<u>2016</u> \$ 87.30
B)	Commercial -	
	For the equivalent of 10 or less persons	\$ 87.30
	More than 10, less than 16	159.00
	More than 15, less than 21	222.70
	More than 20, less than 26	297.20
C)	Institutional -	
	For each public or private school the quarterly flat charge shall be charged whether the school is in session or not (rates being charged upon average yearly use); shall be based upon the number of students enrolled at the beginning of the quarterly billing period or the preceding period if school is not then in session; and shall be as follows:	
	For each 100 grade school students or fraction in excess thereof	<u>2016</u> \$ 91.40
	For each 100 junior high school students or high School students or fraction thereof	134.30
D)	In addition to the above flat rates there shall be a customer Charge on each invoice as determined in paragraph 4 of this resolution and a certification charge as determined in Section 7.05 of the City Ordinance Code.	

3. Where the rate for sanitary sewer service is based upon the metered use of water on the premises, such rates shall be as follows:

- A) For all residential premises the rate shall be based on The actual use, or less of water for the preceding winter quarter, per thousand gallons with a minimum of 7,000 gallons, effective January 1, 2016, for each customer billing district and shall be as follows: 2016  
\$ 4.35

For the purpose of this paragraph A), the winter quarter shall be the winter quarter as specified in Subdivision 3 of said section 7.05.

- B) For all commercial, institutional, industrial, and other premises, the rate per thousand gallons of water effective January 1, 2016, shall be as follows: \$ 4.35
- C) A customer charge shall be made for each invoice rendered effective January 1, 2016 as follows: \$ 5.00

If the invoice is for water service, as well as sanitary sewer service, the customer charge, when collected, shall be allocated proportionally between the City's water fund, sewer fund, and its storm sewer fund based on the user fees billed for by each fund.

- D) Where the metered use of water on the premises for the preceding winter quarter was not normal, the rate may be adjusted as provided in Subdivision 3 of said Section 7.05.
4. The foregoing rates and charges are in addition to, and not in lieu of, other rates and charges established by ordinance or resolution.
5. The Metropolitan Airports Commission (MAC) will be charged a sanitary sewer rate based on the Met Council Environmental Services (MCES) rate plus 15% for Inflow/Infiltration and \$1,000.00 per quarter for administration costs.

#### WATER RATES AND CHARGES FOR 2016

1. Pursuant to the provisions of Section 7.15 of the Ordinance Code of the City of Richfield, the rates and charges for City water and water service are hereby established to be those set forth in the following paragraphs of this resolution:

The charges due and payable to the City by each water customer of the City, during any quarter shall be based upon the Conservation Rate Structure.

- |               |  |
|---------------|--|
| Water-Tier 1: | The first tier rate is (\$3.42 per thousand) charged for consumption of the first 25,000 gallons.                            |
| Water-Tier 2: | The second tier rate is (\$3.74 per thousand) charged for consumption of 26,000 gallons but less or equal to 50,000 gallons. |
| Water-Tier 3: | The third tier rate is (\$4.08 per thousand) charged for consumption in excess of 51,000 gallons.                            |

Irrigation accounts: All consumption will be charged at the (\$4.08 per thousand) water-tier 3 rate.

The Conservation Rate Structure applies to multi-unit and residential premises. Commercial, institutional or industrial will only be subject to the Water-tier 1 rates for domestic use, irrigation accounts will be subject to the Water-tier 3 rate.

Water charges shall be payable quarterly, and all bills issued after January 1, 2016 shall be at this rate.

#### SPECIAL WATER SERVICE CHARGES FOR 2016

1. Pursuant to the provisions of Section 7.15 of the Ordinance Code of the City of Richfield, the rates and charges for special customer services are hereby established to be those set forth in the following paragraphs of this resolution:
2. The charge for establishing a new customer account shall be \$13.50 per account.
3. The charge for installation of meters shall be \$50.00 per installation.
4. The charge to flush and maintain fire hydrants located on privately owned property within the City shall be \$50.00 per hydrant per year plus any required parts.
5. The charge to thaw and service water pipes on customer property shall be actual cost to the City plus thirty percent.
6. The charge for any other services not covered by the above shall be based on actual hourly cost to the City plus thirty percent.
7. The MN lab fee will be \$6.36.

#### STORM SEWER RATES AND CHARGES FOR 2016

1. Pursuant to the provisions of Section 7.20 of the Ordinance Code of the City of Richfield, the rates and charges for City storm sewer service are hereby established to be those set forth in the following paragraphs of this resolution:
2. The rates and charges for the use and availability of the system are determined through the use of a "Residential Equivalent Factor" (REF). One REF is defined as the ratio of the average volume of surface runoff coming from one acre of land and subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the City during a standard one year rainfall event. The REF's for the following land uses within the City and the billing classifications for such land uses are as follows:

<u>LAND USES</u>	<u>REF</u>	<u>CLASSIFICATION</u>
Cemeteries	.25	1
Parks and railroads	.75	2
Two-family residential	1.00	3
Single-family residential	1.00	4
Public and private schools and institutional uses	1.25	5

Multiple-family residential uses and churches	3.00	6
Commercial, industrial, and Warehouse uses	5.00	7

- The basic system quarterly rate for storm sewer service is \$72.50 per acre of land. \$14.50 is the quarterly rate for a single-family residence, which is considered to have an acreage of one-fifth acre. The charge made against each parcel of land is then determined by multiplying the REF for the parcel's land use classification times the parcel's acreage times the basic system rate.

### STREET LIGHT RATES AND CHARGES FOR 2016

- Pursuant to the provisions of Minnesota State Statutes, Section 429.101 and Section 825 of the Ordinance Code of the City of Richfield, the rates and charges for City street light service are hereby established to be those set forth in the following paragraphs of this resolution:
- The street light fee for residential single family property is \$5.77 per quarter.
- Rates for other land uses will be determined by land use types based on the following table:

#### STREET LIGHT LAND USES:

COM	All commercial properties, to include multifamily residents (apartments) and industrial parcels.
RES	All residentially coded parcels.
PUB	Public buildings, i.e. City Hall, City Garage, and Fire Stations
CHURCH	All Churches also to include cemeteries and activity buildings associated with a Church
SCH	All schools, to include private and public schools.
PRK	All parks owned by the City of Richfield, also to include Nature Centers and all "properties" located within city park parcels
DPLX	Addresses that split a residential lot, to include townhomes, 3-plexes, and 4-plexes.

LAND USE CODE	MULTIPLIER	To Bill FACTOR
COM (acres>0.2)	5*	(5 x ACREAGE)
if acres≤0.2	----	1
RES	----	1
PUB (acres>0.2)	5	(5 x ACREAGE)
if acres ≤0.2	----	1
CHURCH (acres>0.2)	1.25**	(1.25 x ACREAGE)
if acres ≤0.8	----	1
if acres ≤0.2	----	1
SCH (acres>0.2)	1.25	(1.25 x ACREAGE)
if acres ≤0.8	----	1
if acres ≤0.2	----	1
PRK	1.25	(1.25 x ACREAGE)
DPLX	----	0.5

4. The multiplier of "5" is based on the definition that a residential lot is 1/5 of an acre; hence multiplying acreage by 5 produces the equivalent number of residential lots.
5. The multiplier of "1.25" " is based on the definition that a residential lot is 1/5 of an acre and multiplying acreage by 5 produces the equivalent number of residential lots. However, the total area of each parcel is not proportional to the number of street lights in an equivalent residential area so the factor of 5 is reduced by 75%, producing 1.25.

#### 6.5% PENALTY ON PAST DUE ACCOUNTS

1. Customers will have twenty eight (28) days to pay their water, sanitary sewer, storm sewer, and street light quarterly bills from the date of the mailing by the City. Any unpaid amount will be added to the next quarterly bill along with a 6.5% penalty on the delinquent amount.
2. The penalty charge when billed on past due accounts shall be allocated proportionally between the City's water fund, sewer fund, and storm sewer fund based on the user fees billed for each fund.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December, 2015.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**RESOLUTION NO.**

**RESOLUTION ESTABLISHING A PUBLIC WORKS ON-CALL COMPENSATION  
POLICY**

**WHEREAS**, the City Council has determined to provide Public Works Superintendent/Managers/City Engineer compensation for being on-call for possible Public Works emergencies; and

**WHEREAS**, the good judgment of a Public Works Superintendent/Manager/City Engineer is needed to provide quality response to Public Works emergencies such as water main breaks, street light knock downs, and sewer main back ups; and

**WHEREAS**, the City Council finds it necessary to establish a policy to provide such employees with on-call compensation.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Richfield hereby adopts the following On-call Compensation Policy:

Public Works Superintendents/Managers/Supervisors/City Engineer who remain on-call by carrying the emergency cell phone (or similar device) for a period of one week will be compensated at a rate established annually as part of the budget preparation process, beginning with \$120 a month in 2016.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December 2015.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING THE  
PUBLIC PURPOSE EXPENDITURES POLICY  
FOR FISCAL YEAR 2016**

**WHEREAS**, the City Council finds it necessary to annually review and approve a policy to clearly determine the public purpose for expenditures; and

**WHEREAS**, the City Council has determined that in order to attract, recruit, retain and motivate employees and community volunteers, the City wishes to recognize hard work and service through other than monetary payment; and

**WHEREAS**, the City Council has further determined certain expenditures for typical business costs are necessary for the effective delivery of public service; and

**WHEREAS**, the City Council has reviewed and discussed the Public Purpose Expenditures Policy.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Richfield approves the "Public Purpose Expenditures Policy," for fiscal year 2016.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of December 2016.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

## **PUBLIC PURPOSE EXPENDITURE**

### **CITY OF RICHFIELD**

### **CITY POLICY**

DATE: January 1, 2016

SUBJECT: Public Purpose Expenditures

#### **Background**

Pursuant to provisions of the Richfield City Charter and the statutes and laws of the State of Minnesota, which permit and require the expenditure of public funds for public purposes, the City of Richfield believes it necessary and appropriate to provide assistance and guidance to the officials, employees and representatives of Richfield to aid in the determination of when public funds may be spent for a public purpose.

#### **Definition**

A public purpose expenditure is one which relates to the purpose for which the City of Richfield exists and the duties and responsibilities of Richfield, its elected and appointed officials, employees and other representatives.

#### **Public Purpose Guidelines**

- A. Training and development programs for Richfield employees serve a public purpose when those training and development programs are directly related to the performance of the employees' job-related duties and are directly related to the programs/services for which the City is responsible.
- B. Payment of employee work-related expenses, including travel, lodging and meal expenses, serves a public purpose when those expenses are necessarily incurred by Richfield employees in connection with their actual work assignments or official duties and those expenses are directly related to the performance of the governmental functions for which Richfield has responsibility.
- C. Appropriate safety and health programs for Richfield employees serve a public purpose because they result in healthier and more productive employees and reduce certain costs to the City and the taxpayers of Richfield, including various costs associated with workers' compensation and disability benefit claims, insurance premiums and lost time from employee absences.
- D. Public expenditures for appropriate Richfield employee and volunteer recognition programs serve a public purpose because formally recognizing employees and volunteers who make significant contributions and demonstrate their commitment during the performance of their duties result in higher morale and productivity among all Richfield employees and volunteers, and therefore help the City to fulfill its responsibilities efficiently and more cost effectively.
- E. Public expenditures for food and refreshments associated with official Richfield City functions serve a public purpose when the provision of food or refreshments is an integral part of the function and is deemed necessary to ensure meaningful participation by the participants.
- F. Public expenditures for appropriate community and customer outreach and similar activities serve a public purpose when those expenditures are necessary for Richfield to ensure the efficient operation of its programs/services, promote the availability and use of City resources, and promote coordinated, cooperative planning activities among and between the public and the private sectors.

#### **Specific Programs and Expenditures**

Every City of Richfield expenditure must be valid based upon the public purpose for which it is purchased. The following items are deemed to meet the Council definition of public purpose expenditures.

A. Employee Recognition and Engagement Programs

The Richfield City Council recognizes the hard work and service performed by the employees of the City through a formal Employee Recognition Program. The City Council believes the benefits of attracting, retaining and motivating employees through an Employee Recognition Program support employee job satisfaction, which in turn impacts cooperation and productivity. The result is to provide excellent public and customer service to better serve the interests of the citizens of the community.

The Employee Recognition Program is considered "additional compensation" for work performed by employees but is entirely dependent on receiving funding from year-to-year. No provisions of this policy, or its administration, shall be subject to review under the grievance or arbitration provisions of any collective bargaining agreement.

The Program may include:

1. City employees completing 5, 10, 15, 20, 25, 30, and 35 years of service may receive a service award not to exceed \$150 in value, as determined by the City Manager.
2. Annually, the City may have an annual budget allotted to the City staff's Employee Recognition & Engagement Team.
3. Annually, the City may sponsor a Volunteer Recognition event to promote teamwork and coordination among the City Council, Department Directors, Commission/Committees, and employees. This event and/or a token gift for invited participants and their guests also serve as de minimus compensation for the service provided by the volunteers.
4. Annually, the City may sponsor a Holiday Party for City employees. In lieu of a Holiday Party, the City may sponsor an annual employee event, such as Rootbeer Float Day.
5. The City supports other events that are planned and paid for by employees. Examples of such events include holiday gatherings, golf and/or bowling tournaments.
6. The City supports recognition clocks and up to \$50 for a cake in recognition of long-time service or retirement for employees, volunteers and elected officials.
7. Annually, at the end of each calendar year, each Department may receive designated funds related to participating in and promoting safety practices in their respective Departments. Each Department may use such funds to sponsor an employee event recognizing their employees' safety accomplishments.

The cost of the elements of the Employee Recognition Program will be included in the City of Richfield Annual Budget. This item will be approved annually by the City Council as a part of the overall budget approval process which includes a public hearing on the proposed budget.

B. Employee Wellness and Safety Programs

The City Council recognizes the importance of employee fitness and health as it relates to the overall work and life satisfaction of the employee and the overall impact on the City's health insurance program. As such, the City Council supports an Employee Wellness Program, which has been designed to educate employees on fitness/health issues.

The Employee Wellness Program is considered "additional compensation" for work performed by employees, but is entirely dependent on receiving funding from year-to-year. No provisions of this policy, or its administration, shall be subject to review under the grievance or arbitration provisions of any collective bargaining agreement.

The cost of an Employee Wellness Program will be included in the City of Richfield Annual Budget. This item will be approved annually by the City Council as a part of the overall budget approval process which includes a public hearing on the proposed budget.

The Employee Safety Program is funded by the Self-Insurance Fund. The City supports programs created by the Human Resources Division and the Safety Committee to promote and maintain a safe work environment. Safety incentive programs such as Richfield Safety Pays, which provide the opportunity for cash prizes for accident/injury-free work days, is an example of such programs. Such safety incentives shall be included in the City of Richfield Annual Budget.

C. Meeting Food/Meals

The City Council recognizes that situations in which City business needs to be discussed can and do occur during meal hours (i.e. luncheon meetings). In addition, there are public and employee meetings and events in which reasonable refreshments may be necessary to create a more productive environment and to be responsive to participants' time schedules. The following items are deemed to meet the Council definition of public purpose expenditures in regards to food and meals.

1. Meals and refreshments are allowed at City meetings and events that have a purpose of discussing City issues. These meetings would normally have a pre-planned agenda.
2. Meals and refreshments are allowed at employee meetings and events that have a purpose of discussing City issues or are a part of employee training. These meetings would also normally have a pre-planned agenda. These meetings could include new employee receptions to introduce new employees to existing employees, provide an orientation to the City, and promote teamwork and cooperation. This does not include routine staff meetings.
3. Meals and refreshments are allowed when they are part of a breakfast/lunch/dinner meeting for official City business when it is the only practical time to meet. Usually these meals involve meeting with City Council members, Committee/Commission members, business or civic organizations. Payment for fees relating to a special event, such as a Chamber of Commerce event, may also be allowed when approved by the City Manager and when attendance is deemed to meet the public purpose guidelines for community or customer outreach and marketing of the City.
4. Meals and refreshments may be provided during official meetings of the City Council, City Council committees, advisory boards/commissions, and taskforces that have purpose of discussing City business. These meetings would normally have a pre-planned agenda.
5. Travel expenses for employees as outlined in the Richfield Travel Reimbursement Policy.
6. Meals and refreshments are allowed where employees or volunteers are participating in a City-sponsored special event, participating in an outside event as an official representative of the City, or working additional hours and where the Department Director deems appropriate as recognition of efforts above those normally required. Because emergency personnel are often called to perform for extended periods of time and duties where refreshments are important to duty performance, emergency response personnel may be provided refreshments or food when it is deemed appropriate by the City Manager or Department Director to assure the delivery of quality emergency response service.
7. No purchase of alcoholic beverages is allowed at any time.

The cost of these meals or fees is included in the departments' travel/conferences line-item in the City of Richfield Annual Budget. These items are approved annually by the City Council as a part of the overall budget approval process which includes a public hearing on the proposed budget.

D. Membership, Dues, and Donations

The City Council has determined that the City will fund memberships and dues (individual or organization) in professional organizations and City social and community organizations when the purpose is to promote, advertise, improve or develop the City's resources and relationships and not personal interest or gain.

The cost of memberships/dues is included in the departments' dues and subscriptions line-item in the City of Richfield Annual Budget. These items are approved annually by the City Council as a part of the overall budget approval process which includes a public hearing on the proposed budget.

All donations must be approved by the City Council during the annual budget process and/or by City resolution. Donations provided by the City must be for programs that serve our citizens and are deemed to meet the public purpose guidelines.

E. Education Reimbursement

The Personnel Policy contains guidelines for a Richfield Employee Education Program (REEP). Job related advanced education meets the public purpose guidelines of this policy. The amount available for this program shall be considered annually. The cost of this program is contained in the City of Richfield Annual Budget.

F. Clothing and Other Sundry Items

Employees may receive T-shirts, and other sundry items of nominal value (\$10.00) when these items; are made available to the general public or if these items are determined by the City Manager to be important to the successful involvement of employees in special City-sponsored or City-supported events (i.e. National Night Out, etc.). Employees may be supplied with uniforms, clothing, boots and other gear necessary for the performance of their job. The cost of these items for City-sponsored or City-supported events shall be contained in the City of Richfield Annual Budget.

Conclusion

The Richfield City Council has determined that the above expenditures are valid and serve a public purpose.

Approved: /s/ Steven L. Devich

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City Manager

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION RESTABLISHING A CAR ALLOWANCE REIMBURSEMENT POLICY**

**WHEREAS**, the City Council has determined not to provide certain positions with a City vehicle for the performance of the employee's official City duties; and

**WHEREAS**, said employees are required to use their own personal vehicle in the performance of their official duties; and

**WHEREAS**, such employees are responsible for the fuel, maintenance, insurance and all other expenses required for the upkeep of their personal vehicles; and

**WHEREAS**, the City Council finds it necessary to establish a policy to provide such employees with a car allowance reimbursement; and

**WHEREAS**, the car allowance is an estimated amount intended to reimburse such employees for the reasonable expenses that they will incur in the performance of their official duties; and

**WHEREAS**, the car allowance reimbursement represents the City's full obligation and responsibility regarding the provision of automobile transportation to such employees.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Richfield hereby adopts the following car allowance reimbursement schedule at the amount of \$225 per month:

Community Development Director  
Public Works Director  
Recreation Director  
Liquor Operations Director  
Superintendents  
Chief Building Official

Adopted by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of December 2015.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

## RESOLUTION NO.

### RESOLUTION RELATING TO THE 2016 GENERAL SERVICES SALARY COMPENSATION PLAN

**WHEREAS**, the compensation personnel policy of the City of Richfield provides for the adoption of a pay plan for General Services employees from time-to-time, and

**WHEREAS**, the City administration has prepared a 2016 pay plan for position classifications for General Services employees. The City Manager is authorized to add or reclassify positions as necessary. Examples of positions in each pay grade are attached.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council do and hereby does establish for the year 2016 the following pay plan, which is to be effective the first full pay period of January 2016, and subject to all applicable provisions of the personnel policy and City Code:

Effective the first full pay period of January 2016							
STEP		1	2	3	4	5	6
RANGE							
GS1	YR		37,003.20	39,041.60	41,184.00	43,617.60	44,928.00
	MO		3,083.60	3,253.47	3,432.00	3,634.80	3,744.00
	BW		1,423.20	1,501.60	1,584.00	1,677.60	1,728.00
	HR		17.79	18.77	19.80	20.97	21.60
GS2	YR		40,435.20	42,390.40	44,532.80	46,820.80	49,171.20
	MO		3,369.60	3,532.53	3,711.07	3,901.73	4,097.60
	BW		1,555.20	1,630.40	1,712.80	1,800.80	1,891.20
	HR		19.44	20.38	21.41	22.51	23.64
GS3	YR	42,785.60	45,011.20	47,465.60	49,795.20	52,332.80	55,328.00
	MO	3,565.47	3,750.93	3,955.47	4,149.60	4,361.07	4,610.67
	BW	1,645.60	1,731.20	1,825.60	1,915.20	2,012.80	2,128.00
	HR	20.57	21.64	22.82	23.94	25.16	26.60
GS4	YR	46,883.20	49,171.20	51,688.00	54,308.80	56,992.00	59,987.20
	MO	3,906.93	4,097.60	4,307.33	4,525.73	4,749.33	4,998.93
	BW	1,803.20	1,891.20	1,988.00	2,088.80	2,192.00	2,307.20
	HR	22.54	23.64	24.85	26.11	27.40	28.84
GS4SNE	YR	50,377.60	52,832.00	55,536.00	58,344.00	61,276.80	64,355.20
	MO	4,198.13	4,402.67	4,628.00	4,862.00	5,106.40	5,362.93
	BW	1,937.60	2,032.00	2,136.00	2,244.00	2,356.80	2,475.20
	HR	24.22	25.40	26.70	28.05	29.46	30.94
GS5	YR	51,688.00	54,308.80	56,992.00	59,987.20	62,961.60	66,144.00
	MO	4,307.33	4,525.73	4,749.33	4,998.93	5,246.80	5,512.00
	BW	1,988.00	2,088.80	2,192.00	2,307.20	2,421.60	2,544.00
	HR	24.85	26.11	27.40	28.84	30.27	31.80
GS5E	YR	55,536.00	58,344.00	61,235.20	64,355.20	67,579.20	71,385.60
	MO	4,628.00	4,862.00	5,102.93	5,362.93	5,631.60	5,948.80
	BW	2,136.00	2,244.00	2,355.20	2,475.20	2,599.20	2,745.60
	HR	26.70	28.05	29.44	30.94	32.49	34.32
GS6	YR	56,992.00	59,987.20	62,961.60	66,144.00	69,513.60	76,627.20
	MO	4,749.33	4,998.93	5,246.80	5,512.00	5,792.80	6,385.60
	BW	2,192.00	2,307.20	2,421.60	2,544.00	2,673.60	2,947.20
	HR	27.40	28.84	30.27	31.80	33.42	36.84
GS6E	YR	61,235.20	64,355.20	67,600.00	71,011.20	74,568.00	82,368.00
	MO	5,102.93	5,362.93	5,633.33	5,917.60	6,214.00	6,864.00
	BW	2,355.20	2,475.20	2,600.00	2,731.20	2,868.00	3,168.00
	HR	29.44	30.94	32.50	34.14	35.85	39.60



- a. Step 1 - Start
- b. Step 2 - One year from anniversary date.  
If an employee successfully passes probationary period.
- c. Step 3 - One year since last increase.  
If an employee is rated Below Expectations, the employee may not advance to Step 3 until performance is rated Meets Expectations or higher.
- d. Step 4 - One year since last increase.  
If an employee is rated Below Expectations, the employee may not advance to Step 4 until performance is rated Meets Expectations or higher.
- e. Step 5 - One year since last increase.  
An employee must achieve a Meets Expectations rating or better in all areas of responsibility before advancing to Step 5.
- f. Step 6 - One year since last increase.  
An employee must achieve a Meets Expectations rating or better in all areas of responsibility before advancing to Step 6.

Employees whose competency level and/or performance are rated Below Expectations may not advance to the next step until their performance improves.

Passed by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of December 2015.

\_\_\_\_\_  
Debbie Goettel

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose

\_\_\_\_\_  
City Clerk

(Revised 12-2015)

## GENERAL SERVICES POSITION CLASSIFICATION STRUCTURE

GRADE	POSITION TITLES	CLASS
1	Office Aide	Non-Exempt
	Data Entry Operator	Non-Exempt
	Switchboard-Receptionist	Non-Exempt
2	Community Development Technician	Non-Exempt
	Community Service Officer	Non-Exempt
	Custodian	Non-Exempt
	Investigative Clerk	Non-Exempt
	Lead Liquor Clerk	Non-Exempt
	Licensing Clerk	Non-Exempt
	Planning Technician	Non-Exempt
	Police Cadet	Non-Exempt
	Senior Office Aide	Non-Exempt
3	Accounting Clerk	Non-Exempt
	Community Development Assistant	Non-Exempt
	Environmental Health Specialist	Non-Exempt
	Lead Licensing Clerk	Non-Exempt
	Leased Housing Assistant	Non-Exempt
	Secretary (Closed as of 1-1-16)	Non-Exempt
	Utility Billing Clerk	Non-Exempt
4	Administrative Aide	Non-Exempt
	Assessment Clerk	Non-Exempt
	Deputy City Clerk	Non-Exempt
	Information Technologies Help Desk Technician	Non-Exempt
	Records Technician	Non-Exempt
4SNE	Administrative Aide (Closed as of 1-1-12)	Non-Exempt
5	GIS Analyst/IT Technician	Non-Exempt
	Housing Specialist Part-time	Non-Exempt
	Information Technologies Technician	Non-Exempt
	Recreation Supervisor Part-time	Non-Exempt
5E	Administrative Aide/Analyst	Exempt
	Code Compliance Specialist	Exempt
	Crime Prevention Specialist	Exempt
	Executive Coordinator	Exempt
	Media Coordinator	Exempt
	Multifamily Housing Program Coordinator	Exempt
	Natural Resources Coordinator	Exempt
	Naturalist	Exempt
	Payroll Accountant	Exempt
	Records Supervisor	Exempt
	Recreation Supervisor	Exempt
6	Civil Engineer	Non-Exempt
	Network Administrator	Non-Exempt
	Project Civil Engineer	Non-Exempt
	Trade/Building Inspector or Trade/Electrical Inspector	Non-Exempt
6E	Accountant	Exempt
	Community Development Accountant	Exempt

## RESOLUTION NO.

### RESOLUTION RELATING TO THE 2016 MANAGEMENT SALARY COMPENSATION PLAN

**WHEREAS**, the compensation personnel policy of the City of Richfield provides for the adoption of a pay plan for Management employees from time-to-time; and

**WHEREAS**, the City administration has prepared a 2016 pay plan for position classifications for Management employees. The City Manager is authorized to add or reclassify positions as necessary. Examples of positions in each pay grade are attached.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council do and hereby does establish for the year 2016 the following pay plan, which is to be effective the first full pay period of January 2016, and subject to all applicable provisions of the personnel policy and City Code:

MANAGEMENT COMPENSATION PLAN				
PAY GRADE		MINIMUM	MID-RANGE	MAXIMUM
M-L	YR	60,299.20	68,868.80	77,355.20
	MO	5,024.93	5,739.07	6,446.27
	BW	2,319.20	2,648.80	2,975.20
	HR	28.99	33.11	37.19
M-1	YR	68,931.20	78,811.20	88,608.00
	MO	5,744.27	6,567.60	7,384.00
	BW	2,651.20	3,031.20	3,408.00
	HR	33.14	37.89	42.60
M-2	YR	78,478.40	89,689.60	100,921.60
	MO	6,539.87	7,474.13	8,410.13
	BW	3,018.40	3,449.60	3,881.60
	HR	37.73	43.12	48.52
M-3	YR	85,529.60	97,780.80	109,948.80
	MO	7,127.47	8,148.40	9,162.40
	BW	3,289.60	3,760.80	4,228.80
	HR	41.12	47.01	52.86
M-4L	YR	85,529.60	97,780.80	109,948.80
	MO	7,127.47	8,148.40	9,162.40
	BW	3,289.60	3,760.80	4,228.80
	HR	41.12	47.01	52.86
M-4	YR	94,328.00	107,723.20	121,180.80
	MO	7,860.67	8,976.93	10,098.40
	BW	3,628.00	4,143.20	4,660.80
	HR	45.35	51.79	58.26
M-5A	YR	101,857.60	115,752.00	130,062.40
	MO	8,488.13	9,646.00	10,838.53
	BW	3,917.60	4,452.00	5,002.40
	HR	48.97	55.65	62.53
M-5B	YR	105,372.80	120,390.40	135,470.40
	MO	8,781.07	10,032.53	11,289.20
	BW	4,052.80	4,630.40	5,210.40
	HR	50.66	57.88	65.13

## Normal Progression Through Management Compensation Plan

The Range Adjustment shall be applied to Management employees who have achieved at least a *Meets Expectations* performance evaluation during the preceding year. Employees who have received a *Below Expectations* performance evaluation are eligible for ½ of the following year's range adjustment. The Range Adjustment is effective January 1, 2016. Individual Merit adjustments will normally be made effective on an employee's anniversary date and will vary in size, depending on the individual's performance rating and current position in the salary range in line with the following criteria.

PERFORMANCE RATING	POSITION IN SALARY RANGE		
	UNDER 95% MIDPOINT	95-105% OF MIDPOINT	OVER 105% OF MIDPOINT
Outstanding	3.5 to 5%	1.6 to 4%	1 to 2%
Above Average	1.6 to 3.5%	.5 to 1.5%	.5 to 1%
Satisfactory	.5 to 1.5%	No Merit Increase	No Merit Increase
Needs Improvement	No Merit Increase. Requires mandatory 6-month evaluation.		
Not Satisfactory	No future increases until performance improves to at least Satisfactory. Performance and employee status subject to mandatory review every 3 months.		

Passed by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of December 2015.

\_\_\_\_\_  
Debbie Goettel

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose

\_\_\_\_\_  
City Clerk

## MANAGEMENT POSITION CLASSIFICATION STRUCTURE

GRADE	POSITION TITLES	CLASS
M-L	Liquor Store Manager	Exempt
M-1	Assistant HR Manager	Exempt
	City Clerk	Exempt
	Facility/Program Manager	Exempt
	Operations Supervisor	Exempt
	Planner	Exempt
	Support Services Supervisor	Exempt
	Utilities Supervisor	Exempt
M-2	Assistant Utility Superintendent	Exempt
	Chief Building Official	Exempt
	Community Development Manager	Exempt
	Operations Manager	Exempt
	(Parks/Fleet, Gov't Buildings)	
	Transportation Engineer	Exempt
M-3	Assistant Fire Chief	Exempt
	City Engineer	Exempt
	Housing & Redevelopment Manager/ Assistant Community Development Director	Exempt
	Information Technologies Manager	Exempt
	Operations Superintendent	Exempt
	Utilities Superintendent	Exempt
M-4L	Liquor Operations Director	Exempt
M-4	Assistant City Manager/HR Manager	Exempt
	Deputy Public Safety Director	Exempt
M-5A	Finance Manager	Exempt
	Fire Services Director/Fire Chief	Exempt
	Recreation Services Director	Exempt
M-5B	Community Development Director	Exempt
	Public Safety Director/Police Chief	Exempt
	Public Works Director	Exempt

(Rev. 12-15)

**RESOLUTION NO.**

**RESOLUTION RELATING TO THE 2016 SPECIALIZED PAY PLAN**

**WHEREAS**, the compensation personnel policy of the City of Richfield provides that the pay grades, the number of steps or range of each pay grade, the compensation rates in each pay grade and the method of normal progression through the pay grade be established by Council resolution; and

**WHEREAS**, the City administration has prepared a 2016 pay plan for the positions for which there are no essentially similar position classification in other regular pay plans. The City Manager is authorized to add or reclassify positions as necessary. Examples of positions in each pay grade are attached.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council do and hereby does establish for the year 2016 the following pay plan which is to be effective the first full pay period of January 2016 and subject to the provisions of the personnel policy and City Code:

**EFFECTIVE THE FIRST FULL PAY PERIOD OF  
JAN 2016 SPECIALIZED PAY PLAN INTERMITTENT AND  
SEASONAL**

Pay Grade	Step 1	Step 2	Step 3	Step 4
SP1-E/NE HR				
SP2-E/NE HR			10.17	10.67
SP3-E/NE HR	9.96	10.47	10.99	11.52
SP4-E/NE HR	10.73	11.32	11.83	12.44
SP5-E/NE HR	11.63	12.22	12.80	13.45
SP6-E/NE HR	12.53	13.17	13.82	14.49
SP7-E/NE HR	13.53	14.23	14.92	15.67
SP8-E/NE HR	14.62	15.38	16.11	16.92
SP9-E/NE HR	15.84	16.59	17.45	18.34
SP10-E/NE HR	17.02	17.93	18.82	19.74
SP11-E/NE HR	18.45	19.32	20.28	21.35
SP12-E/NE HR	19.76	20.82	21.89	23.02
SP13-E/NE HR	19.56	20.61	21.67	22.79

Normal Progression Through the Specialized Pay Plan

Individual employees will be eligible to received increases to the next higher-grade step based on individual performance and the following progression:

Step 1 - Start

Step 2 – Minimum 500 hours worked per year from anniversary start date or two years from anniversary date

Step 3 – Minimum 500 hours worked per year from anniversary date or two years from last increase.

Step 4 – Minimum 500 hours worked per year from anniversary date or two years from last increase

Passed by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of December 2015.

\_\_\_\_\_  
Debbie Goettel

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose

\_\_\_\_\_  
City Clerk

1	E	Cross Walk Attendant	NE	Code Enforcement Tech	
	E	Student Intern	NE	Administrative Services Clerk	
			E	Pool Supervisor	
2					
			10	NE	Engineering Aide
3	NE	Bike Patrol Officer		NE	Motor Vehicle Licensing Clerk
	E	Facility Rental Attendant			
	NE	Winter Sports Attendant	11	NE	Community Relations Coordinator
	E	Cashier/Concession			
			12	E	Pool Coordinator
4	NE	Arena Event Attendant			
	NE	Dance Coordinator & Skate Coordinator	13	NE	Utility Billing Assistant
	NE	Recreation Attendant			
					<b>Instructors</b>
			NE		Building Inspector
5	NE	Custodian	NE		Figure Skating
	NE	Professional Intern	NE		Hockey (Arena)
	NE	Survey Crew Person	NE		Housing & Redevelopment Tech.
	NE	Adaptive Leader/Specialist	NE		Sports Official
	NE	Lead Concession	NE		Substitute Naturalist
	NE	Teen Leader	NE		Dance
	E	Lifeguard	E		Cross Country Ski
	E	Outdoor Skating/Warming House Supv	E		Hockey (outside)
	E	Playground Leader	E		Tennis
			E		WSI
6	NE	Receptionist			<b>OTHER</b>
	NE	Liquor Sales Associate			Instructor's Range: \$5.75 - \$50
	NE	Building Attendant			Election Judge \$10.00
					Election Co-Chair \$12.00
7	NE	Accounting Clerk			Election Chairperson \$13.00
	NE	Construction Specialist			
	NE	Housing Intern			
	NE	Ice Resurfacers Operator			
	NE	Maintenance Laborer			
	NE	Naturalist I			
8	NE	Adaptive Coordinator			
	NE	Clerk Typist - Int. & Substitute			
	NE	Construction Inspector			
	NE	Farmers Market Coordinator			
	NE	Publication Supervisor			
	NE	Teen Coordinator			
	E	Maintenance Technician			
	E	Playground Coordinator			
	E	Tennis Coordinator			
	E	Summer Food Program Coord.			
	NE	Video Production Assistant			
9	NE	Community Development Tech.			

NE=Non-Exempt, may work up to 40 hours per week without overtime pay.  
E-Exempt may work up to 48 hours per week without overtime pay.

All Pool positions are exempt from overtime, even Concessions.  
All Playground and outdoor Rink positions are exempt.  
All Community Center, Wood Lake Nature Center, Ice Arena and Maintenance positions are non-exempt.

(Revised 12-15)

NE=Non-Exempt, may work up to 40 hours per week without overtime pay.  
E-Exempt may work up to 48 hours per week without overtime pay.

All Pool positions are exempt from overtime, even Concessions.

All Playground and outdoor Rink positions are exempt.

All Community Center, Wood Lake Nature Center, Ice Arena and Maintenance positions are non-exempt.

(Revised 12-15)





## RESOLUTION NO.

### RESOLUTION ESTABLISHING 2016 LICENSE, PERMIT AND MISCELLANEOUS FEES PURSUANT TO THE PROVISIONS OF APPENDIX D OF THE ORDINANCE CODE OF THE CITY OF RICHFIELD RESCINDING RESOLUTION NO. 11031

BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

#### Section 1. - Establishing Fees.

- A. License, permit and miscellaneous fees required under the ordinances of the City of Richfield shall be as stated in the sections of this resolution.
- B. A period of no less than 30 days will be allowed for the remittance of City Business license renewal fees contained in Sections 5, 6, 7, 8 and 9 of this resolution.
- C. A 10% administrative surcharge will be assessed upon all renewals contained in Section 5, 6, 7, 8 and 9 of the resolution if not received by the City on or before December 31st of each year. The 10% surcharge will be based upon the cost of the license.
- D. Nothing in this section shall be deemed to require the City to issue or renew any license for which the fee has not been paid in a timely manner.

#### Section 2. - Construction and Related License Fees.

Type of Permit or License	Section Requiring	Description	Fee
(1) Heating and Ventilating Installer	400.07	1 Year	\$ 80.00
(2) Sign Installer	416.01—416.13	1 Year	\$ 80.00
(3) Electrical Installer	400.03—400.09	State License Required	
(4) Plumber	400.03—400.09	State License Required	
(5) Well Driller	620	State License Required	

#### Section 3. - Public Works Fees.

Type of Permit or License	Section Requiring	Description	Fee
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(1) Benches	805.01— 805.27	First Year	\$ 80.00
		Renewal	\$ 30.00
(2) Boulevard feature Permit	811.07	a) Application to place a privately owned feature in the boulevard	\$ 30.00
		b) If applied for after installation of feature has begun	\$ 60.00
(3) Excavation in Public Right of way	800.01— 800.15	a) For each transverse excavation and each 100 feet or portion thereof longitudinal excavation and for each 100 feet of curb and gutter or portion thereof installed or driveway apron installed, except when survey and grade stakes are set by City	\$ 125.00
		b) If applied for after excavation has begun	\$ 250.00
		c) For each pothole	\$ 20.00
(4) Forestry Permit	810	Applies only to trees on City property and public ROW	\$ 50.00
(5) Seasonal Load Limit Exemption		a) Per load	\$ 25.00
		b) If applied for after delivery	\$ 50.00
(6) Obstruction Permit	802.17	(a) Short term, temporary single lane closure of less than four hours	No fee
		(b) Lane closures longer than four hours' duration (or if between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m.)	
		Arterial	
		Day (per block or portion thereof)	\$ 60.00

		Full Closure (per block or portion thereof)	\$ 300.00
		Collector	
		Day (per block or portion thereof)	\$ 30.00
		Full Closure (per block or portion thereof)	\$ 75.00
		Local/Residential	
		Day (per block or portion thereof)	\$ 15.00
		Full Closure (per block or portion thereof)	\$ 45.00
		Sidewalk/Bike Lanes	
		Day	\$ 30.00
		If applied for after obstruction closure has begun	
		(c) Short term, temporary single lane closure less than four hours	No fee
		(d) Lane closures longer than four hours' duration (or if between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m.)	
		Arterial	
		Day (per block or portion thereof)	\$ 120.00
		Full Closure (per block or portion thereof)	\$ 300.00
		Collector	
		Day (per block or portion thereof)	\$ 60.00
		Full Closure (per block or portion thereof)	\$ 150.00

		Local/Residential	
		Day (per block or portion thereof)	\$ 30.00
		Full Closure (per block or portion thereof)	\$ 90.00
		Sidewalk	
		Day	\$ 60.00
		If the closures are not removed by the permitted completion date, then additional Days will be charged at double the rate	
(7) Noise Ordinance Exemption	930.35	(a) With conditions added as required	\$ 50.00
		(b) If applied for after violation	\$ 100.00
(8) Certification Charge	705.03— 705.21	All delinquent accounts	\$ 50.00
(9) NSF Check Charge			\$ 30.00
(10) Utility Services			
Sanitary Sewer	700.05	All land uses	
New Service			\$ 125.00
Repair			\$ 125.00
Disconnect			\$ 125.00
Replacement			\$ 125.00

Water Service	715.01	All land uses	\$ 125.00
New Service			\$ 125.00
Repair			\$ 125.00
Disconnect			\$ 125.00
Replacement			
Turn on/off			\$ 50.00
Meter Installation			\$ 50.00
Private Hydrant			\$ 50.00
Storm Sewer	720	All land uses	
New Service			\$ 125.00
Repair			\$ 125.00
Disconnect			\$ 125.00
Replacement			\$ 125.00
(11) Street Light Banners	855.05	First time applicant to hang street light banners within a district of for an event.	\$ 50.00
		Per street light banner installation (no existing hardware)	\$ 20.00
		Per street light banner installation if supporting hardware exists on the light pole.	\$ 10.00
		Per street light banner removal	\$ 10.00

		<p>Permit Renewal:</p> <p>Annually for both decorative and event banners, unless banner design has changed, then full application fee is charged.</p> <p>If annual renewal is not completed, the permittee risks removal of all banners at the permittee's expense.</p>	\$ 10.00
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#### Section 4. - Fire Services Fees.

Type of Permit or License	Section Requiring	Description	Fee
(1) Fire Prevention Code	400.21— 400.29	For initial fee required under code Per Year	\$ 70.00
		For each additional fee required under code	\$ 15.00
		Penalty If not renewed within 2 months of notification Per Year	\$ 50.00
(2) Daycare/Adult Foster Care Facility Inspection			\$ 50.00
(3) Reimbursement Fee for Fire/Rescue Unit		Per Hour	\$ 325.00
(4) Sale of Consumer Fireworks	1131	(a) License per location selling only consumer fireworks Per Year	\$ 350.00
		(b) License per location of each other retail seller Per Year	\$ 100.00

## Section 5. - Amusement and Recreation Licenses and Permits.

Type of Permit or License	Section Requiring	Description	Fee
(1) Arcade	1105	1 Year	\$ 527.00
(2) Amusement Device	1100.01	(a) Mechanical Amusement Device (Pinball) 1 Year	\$ 15.00
		(b) Mechanical Music Box 1 Year	\$ 15.00
		(c) Video Games 1 Year	\$ 15.00
(3) Lawful Gambling	1100.13	Bingo, Tipboard, Paddle Wheel, Raffle, Pull Tabs	
		(a) Lawful Gambling Permit 1 Year  (those exempt from State Licensure) (State Statute 349.213)	\$ 100.00
		(b) Lawful Gambling Investigative Fee 1 Year (State Statute 349.16) STATE LICENSE REQUIRED	\$ 100.00
(4) Itinerant Place of Amusement	1100.05— 1100.11	1 Day	\$ 283.00
(5) Public Dance	1110.03	For each day dances are held: 1 month:	\$ \$3.00 \$ 46.00
		No fee for locations holding tavern licenses.	



(6) General Amusement	1100.03	(a) Billiard, Pool or Pigeonhole table (each) 1 Year	\$ 15.00
		1. Coin operated 1 Year	\$ 15.00
		(b) Bowling Alley (per lane) 1 Year	\$ 44.00
		(c) Circus 1 Year	\$ 202.00
		(d) Dance Hall 1 Day	\$ 202.00
		(e) Golf	
		1. Miniature 1 Year	\$ 47.00
		2. Driving Tee 1 Year	\$ 47.00
		(f) Mountback 1 Day	\$ 193.00
		(g) Rides, mechanical/animal of any kind (ea) 1 Year	\$ 15.00
		(h) Shows, any kind 1 Day	\$ 193.00
		(i) Shuffleboard (each lane) 1 Year	\$ 16.00
		(j) Other games 1 Day	\$ 15.00
(7) Musical Concert	1110.01	Per event	\$ 46.00
(8) Theatre Cinema	1120	1 Year	\$ 221.00
		Plus a notice publication fee	\$ 7.00

(9) Roller Rink	1115	1 Year or portion thereof	\$ 221.00
(10) Commercial Adult-Oriented Enterprises	605	1 Year	\$ 2,632.00
		Investigation fee 1 Year	\$ 2,632.00
(11) Masseur/Masseuse	605	Certificate fee 1 Year	\$ 88.00
		Investigation fee 1 Year	\$ 221.00
(12) Public Baths	610	1 Year	\$ 3,049.00
		Investigation fee (actual cost minimum)	\$ 3,049.00
(13) Fortune Teller and related trade	1130.05— 1130.07	1 Day	\$ 177.00
		1 Week	\$ 525.00
		1 Month	\$ 1,050.00
		1 Year	\$ 1,755.00
(14) Adult Establishments	1196	Annual license 1 Year	\$ 2,632.00
		Investigation fee (new license)	\$ 2,632.00

## Section 6. - Animal Licenses and Permits.

Type of Permit or License	Section Requiring	Description	Fee
(1) Animals	905.01— 905.29	(a) Animals (Spayed or Neutered) with option to purchase a multi-year license 1 Year	\$ 15.00
		(b) Animals (Not Spayed or Neutered) 1 Year	\$ 25.00
		(c) Duplicate Animal License	\$ 7.00

		(d) Late Penalty	\$ 10.00
	905.31— 905.33	(e) Commercial Kennel 1 Year	\$ 217.00
		(f) Residential Kennel 1 Year	\$ 164.00
		(g) Veterinary	\$ 217.00
	905.37— 905.39	(h) Pigeons 1 Year	\$ 43.00
	905.41	(i) Non-domestic Animals (Temporary Permit)	\$ 30.00
	905.01— 905.29	(j) Impounding (each animal) 1st time	\$ 64.00
		2nd Time	\$ 127.00
		3rd time (each impound after)	\$ 191.00
		(k) Dangerous dog registration fee State Statute 347.51)	\$ 500.00

#### Section 7. - Vehicle and Transportation License and Permit Fees.

Type of Permit or License	Section Requiring	Description	Fee
(1) Aircraft	1340	1 Day	\$ 50.00
(2) Garbage and Refuse Collection	601.01— 601.33	Commercial and Residential	
		First vehicle 1 Year	\$ 263.00
		Each additional vehicle 1 Year	\$ 55.00

(3) Motor Vehicle Dealer	1155	Per place of business 1 Year	\$ 393.00
		Each additional place of business 1 Year	\$ 149.00
(4) Motor Bicycle Business	1160	Per place of business 1 Year	\$ 228.00
		Per place of business to sell, rent or lease 1 Year	\$ 105.00
(5) Sound Truck	1165	Per vehicle 1 Year	\$ 228.00
		Per vehicle 1 Day	\$ 35.00
(6) Taxicab	1170	First vehicle or auto livery 1 Year	\$ 569.00
		Each additional vehicle or auto livery operated at any time within license period 1 Year	\$ 71.00
(7) Taxicab Driver	1175	1 Year	\$ 52.00
(8) Rental or Utility Trailers and Trucks	1185	Each place of business 1 Year	\$ 105.00

### Section 8. - Commercial Business and Trade Licenses and Permits.

Type of Permit or License	Section Requiring	Description	Fee
(1) Firearms Dealer	920.01— 920.05	1 Year	\$ 1,755.00
(2) Food Establishments	617	(A) Type I Establishment, a large high-risk food establishment serving on average 500 or more meals per day; having 175 or more seats; or having 500 or more customers per day	

		1 Year	
		(1) Food service or retail food establishment	\$ 788.00
		(2) School, kindergarten through grade 12	\$ 724.00
		(3) Daycare Center or Preschool	\$ 579.00
		(B) Type II Establishment, a small high-risk food establishment serving on average fewer than 500 meals per day; having fewer than 175 seats; or having fewer than 500 customers per day	
		(1) Food service or retail food establishment	\$ 676.00
		(2) School, kindergarten through grade 12	\$ 676.00
		(3) Daycare Center or Preschool	\$ 450.00
		(C) Type III Establishment, a medium risk food establishment serving mainly non-potentially hazardous foods and potentially hazardous foods prepared elsewhere and only heated or held cold onsite; or serving or retailing foods such as pizza carryout or delivery, requiring handling followed by heat treatment	
		(1) Food service or retail food establishment	\$ 579.00
		(2) School, kindergarten through grade 12	\$ 290.00
		(3) Daycare Center or Preschool	\$ 290.00
		(D) Type IV Establishment, a food establishment with minimal food handling such as preparing coffee, hot dogs, blended or mixed drinks, packaged foods customers heat onsite, continental breakfasts, unpackaged baked goods made elsewhere	

		(1) Food service or retail food establishment	\$ 377.00
		(2) School, kindergarten through grade 12	\$ 175.00
		(3) Daycare Center or Preschool	\$ 175.00
		(E) Type V Establishment, a food establishment with non-potentially hazardous food or food products sold in the original packaging	
		(1) Food service or retail food establishment	\$ 232.00
		(2) School, kindergarten through grade 12	\$ 145.00
		(3) Daycare Center or Preschool	\$ 145.00
		(F) Supplemental Facility	
		(1) High Supplemental Facility (like Type I and II)	\$ 145.00
		(2) Medium Supplemental Facility (like Type III and IV)	\$ 115.00
		(3) Catering Supplemental Facility (for Food Catering Vehicle(s) and equipment)	\$ 175.00
		(4) Low Supplemental Facility (like Type V)	\$ 85.00
		(G) Temporary Food Establishment	
		(1) Complex Temporary 1 to 3 days (like Type I and II)	\$ 145.00
		(2) Complex Temporary 4 to 21 days (like Type I and II)	\$ 261.00
		(3) Simple Temporary 1 to 3 days (like Type III, IV and V)	\$ 60.00

		(4) Simple Temporary 4 to 21 days (like Type III, IV and V)	\$ 140.00
		(5) Temporary Food Multi-Vendor	\$ 800.00
		(H) Farmer's Market Stand (stands not exempted from licensing in Minnesota Statue Chapter 28A)	\$ 175.00
		(I) Vending Machines	
		(1) Food and beverage (except items in 2)	\$ 20.00
		(2) Nuts, gum balls, hard candy and unsorted confections	\$ 15.00
(3) Automobile Washing Establishment	1125	Per calendar Year or fraction thereof	\$ 175.00
(4) Scavenger	601.17	Each vehicle 1 Year	\$ 50.00
		Permit fee for opening cesspool or dumping contents of each cesspool into City sewer	\$ 26.00
(5) Incinerator	601.29— 601.31	1 Year	\$ 50.00
(6) Tobacco	1146.01(MS 461.12)	Retail Sale and Distribution - License issued on calendar Year (cigarette vending machines prohibited) (Bill No. 1998-19)	\$ 440.00
(7) Transient Merchant	1181.01— 1181.09	1 Day	\$ 112.00
(8) Wagon Peddler	1181	1 Year	\$ 264.00
(9) State hawker or Peddler license	1181	6 month/per person covered	\$ 66.00
(10) Canvasser or	1181	6 month/per person covered	\$ 66.00

Solicitor			
(11) Christmas Tree Sale	1130.03	1 Year	\$ 143.00
(12) Lodging Establishments	618	(A) Hotel/Motel	\$ 243.00
		(1) Each Guestroom	\$ 17.00
		(B) Lodging House, lodging accommodation for 5 or more regular roomers, no food provided	
		(1) Five to 25 beds	\$ 232.00
		(2) 26 or more beds, each bed	\$ 11.00
		(C) Small Boarding House, food and lodging accommodations for 5 to 10 regular boarders. Food license included.	
		(1) Five to 10 beds	\$ 232.00
		(D) Large Boarding House, food and lodging accommodations for 11 or more. A separate food license is required.	
		(1) 11 to 25 beds	\$ 232.00
		(2) 26 or more beds, each bed	\$ 11.00
		(E) Bed and Breakfast, food license is included	\$ 232.00
(13) Outdoor Merchandising	1135	Permit	\$ 111.00
(14) Storage Enclosure	1135	Per Enclosure	\$ 96.00



(15) Pawnbroker	1187	(a) Pawnbroker 1 Year	\$ 4,575.00
		(b) Owner investigation fee 1 Year (nonrefundable)	\$ 2,630.00
		(c) Manager investigation fee 1 Year (nonrefundable)	\$ 952.00
		(d) Employee investigation fee 1 Year (nonrefundable)	\$ 91.00
		(e) Transaction fee - per transaction	\$ 2.00
(16) Secondhand Goods Dealer	1186	(a) Secondhand Goods Dealer 1 Year	\$ 502.00
		(b) Initial investigation fee (nonrefundable) actual costs in excess of above with total not exceeding	\$ 2,103.00
		Applicant shall deposit \$1,200.00 with Licensing Clerk along with application. Amount in excess of actual application costs shall be refunded.	
(17) Auto Detailing Establishment	1195.01	1 Year	\$ 391.00
(18) Tattoo, Body Piercing, Body Painting or Body Branding	630	(a) Tattoo, body piercing, body painting or body branding 1 Year	\$ 876.00
		(b) Initial investigation fee (nonrefundable) 1 Year	\$ 2,630.00
(19) Temporary Tattoo, Body Piercing, Body Branding and Body painting events	630	Per booth	\$ 50.00
(20) Massage	1188	Annual license 1 Year	\$ 876.00

Therapy Enterprise License (Business license)			
		Investigation fee (new license)	\$ 876.00
Massage Therapist (Individual License)		Annual license 1 Year	\$ 88.00
		Investigation fee (new license)	\$ 88.00
Temporary Massage Therapist License		Per temporary location	\$ 176.00
(21) Public Swimming Pools	619	(A) Indoor	
		(1) First pool	\$ 232.00
		(2) Each additional pool	\$ 115.00
		(B) Outdoor	
		(1) First pool	\$ 232.00
		(2) Each additional pool	\$ 115.00
		(C) School, K through grade 12, pools	
		(1) First pool	\$ 150.00
		(2) Each additional pool	\$ 85.00
(22) Motion pictures and commercial photography permit	1197	Per event Photography Motion picture (based on application)	\$ 50.00 \$ 200.00

## PLAN REVIEW FEE FOR FOOD, THERAPEUTIC MASSAGE AND LODGING

### PERCENTAGE OF FACILITY INVOLVED WILL BE DETERMINED BY STAFF

**Descriptions:**

Type I Establishment, a large high-risk food establishment serving on average 500 or more meals per day; having 175 or more seats; or having 500 or more customers per day.

Type II Establishment, a small high-risk food establishment serving on average fewer than 500 meals per day; having fewer than 175 seats; or having fewer than 500 customers per day.

Type III Establishment, a medium risk food establishment serving mainly non-potentially hazardous foods and potentially hazardous foods prepared elsewhere and only heated or held cold onsite; or serving or retailing foods such as pizza carryout or delivery, requiring handling followed by heat treatment.

Type IV Establishment, a food establishment with minimal food handling such as preparing coffee, hot dogs, blended mixed drinks, packaged foods customers heat onsite, continental breakfasts, unpackaged baked goods made elsewhere.

Type V Establishment, a food establishment with non-potentially hazardous food or food products sold in the original packaging.

Environmental plan review—includes the physical remodeling, updating, equipment replacement, equipment additions and the general overall review of all plans/work. This also includes all new development projects.

	New Construction and/or Major Remodel (over 50% of facility involved)	Extensive Remodel (25—50% of facility)	Minor Remodel 0—24% of facility)	Non-remodel approval consultation \$5,000 or less in costs)
Type I	\$2,797.00	\$1,458.00	\$787.00	\$134.00
Type II	\$1,926.00	\$1,054.00	\$586.00	\$134.00
Type III	\$1,054.00	\$ 587.00	\$350.00	\$134.00
Type IV	\$ 517.00	\$ 202.00	\$ 102.00	No fee
Type V	New project or change of owner - \$ 122.00		Minor remodel - permit but no plan check fee	

Therapeutic Massage	\$ 134.00	\$ 134.00	\$134.00	\$134.00
Lodging	\$2,331.00	\$1,254.00	\$653.00	\$134.00

### Section 9. - Liquor and Related License and Permit Fees.

Type of Permit or License	Section Requiring	Description	Fee
(1) 3.2 Malt Liquor	1202.05	(a) On-Sale 1 Year	\$ 912.00
		(b) Tavern (dance) 1 Year	\$ 745.00
		(c) Wholesale 1 Year	\$ 44.00
		(d) Growler (Micro Brewery Off-Sale Malt Liquor) 1 Year	\$ 175.00
		(e) Off-Sale 1 Year	\$ 264.00
		(f) Club (Bottle Club) 1 Year	\$ 603.00
		(g) Temporary per event	\$ 67.00
(2) Liquor	1202.05	(a) On-Sale 1 Year	\$ 15,036.00
		(b) Sunday (Fee set by state law) 1 Year	\$ 200.00
		(c) Wine 1 Year	\$ 1,325.00
		(d) Taproom (Micro Brew On-Sale Malt Liquor) 1 Year	\$ 700.00
		(e) Cocktail Room (Micro Distillery On Sale) 1 Year	\$ 800.00
		(f) Micro Distillery Off Sale 1 Year	\$ 600.00

		(g) Veterans' Organization (Ex-Sunday) 1 Year	\$ 863.00
		(h) Temporary per event	\$ 137.00
(3) Employee License On-Sale Liquor Establishments	1208.01	Effective 10/1/95 all licenses issued shall be valid for a period of two years from the date of initial application	\$ 37.00
(4) Investigation Fee	1202.01— 1202.21	(a) On-Sale liquor including Veterans' Organization	\$ 824.00 and
		Each person shown on application	\$ 247.00
		Each additional investigation for each person not listed on original or renewal application	\$ 247.00
	1202.11	(b) Wine, Taproom, Brewpub, Distillery, and	\$ 824.00
		Each person shown on application	\$ 247.00
		Each additional investigation for each person not listed on original or renewal application	\$ 247.00
	1202.11	Investigation of substitute manager	\$ 103.00

#### Section 10. - Housing Inspection and Rental License Fees.

Type of Permit or License	Section Requiring	Description	Fee
(1) License for Apartment Houses and Rental Homes	405	(a) Apartment House 1 Year	\$ 145.00
		Each unit	\$ 15.00
		(b) Rental Home - single family dwelling 1 Year	\$ 145.00

		(c) Duplexes/double bungalows/townhouses	
		First unit 1 Year	\$ 145.00
		Each additional rental unit 1 Year	\$ 85.00
		(d) Late Fee—To be charged each month the license is late	10% of the annual license fee, with a minimum monthly fee of \$50.00 and a maximum monthly fee of \$500.00, charged each month the fee is late
		(e) License Transfer Fee	\$ 50.00
		(f) Reinstatement of suspended license	100% of license fee (minimum \$80.00)
		(g) Reinstatement of Revoked license	200% of license fee
		(h) Re-Inspection Fee	
		1. multi-family	\$80.00 for each building with 4 to 11 units \$100.00 for each building with 12 or more units
		2. single family & duplex	\$50.00 ea.
		(Inspection over standard 2 inspections) Reinspection fees shall be payable at the time of license renewal and no renewal license shall be issued unless all inspection fees are paid	
		(i) Provisional license for apartment house Includes first unit	\$ 290.00
		Each additional unit	\$ 30.00

		Provisional license for Rental Home—single family dwelling 1 Year	\$ 290.00
		Provisional license for duplex First unit	\$ 290.00
		Each additional unit	\$ 170.00
		(j) Investigation fee for operating a rental property without a license	\$ 500.00
(2) Certificate of Housing maintenance Compliance	405.26	Single family home (includes one reinspection)	\$ 150.00
		2-family home (includes one reinspection)	\$ 230.00
		Condominium (includes one reinspection)	\$ 100.00
		Reinspection Fee	\$ 50.00
		Fee to process cash escrow agreement	\$ 50.00
		Fee to process Agreement to Comply	\$ 50.00
(3) Permit Fee for Rooming House	405.19	1 Year	\$ 170.00

#### Section 11. - Miscellaneous Fees.

Type of Permit or License	Section Requiring	Description	Fee
(1) Permit to reside	1190	In motel for more than six Months	\$ 17.00

(2) Permit to Carry a Gun		Permit Issued By County	
(3) False Alarms (billable)		(a) in excess of 2 for calendar Year	\$ 100.00
		(b) in excess of 10 for calendar Year	\$ 200.00
		(c) in excess of 20 for calendar Year	\$ 300.00
(4) Nuisance Conduct Fee	925	Third call to a property for nuisance conduct within a 365-day period	\$ 250.00
(5) Copying Services Provided		Flat rate (per page)	\$ .25
		Special rate	
		(a) Black & White Photocopy rate	
		8.5 x 11 (per side)	\$ .25
		8.5 x 14 (per side)	\$ .25
		MN Statute 13.03C	
		11 x 17 (each)	\$ .50
		24 x 36 (each)	\$ 2.50
		X-large	\$ 2.50
		Color Photocopy rate	
		8.5 x 11 (per side)	\$ 1.00
		8.5 x 14 (per side)	\$ 2.00
		11 x 17 (each)	\$ 4.00



		24 x 36 (each)	\$ 18.00
		X-large	\$ 3.00/ sq. ft.
		(b) Labor	hourly wage & 33%
		(c) Postage	prevailing rate
		(d) Fax per page	\$ .50
		(e) CD of meeting (per CD)	\$ 5.00
		(f) DVD of meeting (per DVD)	\$ 15.00
		(g) Electronic copies (CD or disk)	\$ 5.00
		(h) As built (per image)	\$ .50
(6) Notary Fee		Fee Set By State	
(7) Candidate Filing Fee	City Charter 4.04		\$ 25.00
(8) Photo Fee		Includes 2 photos	\$ 16.00 including tax
(9) Assessing Fees	Special	Abatement for Filing Homestead	\$ 25.00
		Special Assessment Searches	
		- One free property identification number (PID) search per Day	

		- if more than one search per Day (per search)	\$ 3.00
		Special Assessment Search Report	
		- per PID	\$ 15.00
		Creation of New or Special Report	
		- Fees to be based on time and materials to create report	
		- Minimum Fee	\$ 25.00
		Review of Comparable Property Records	
		Residential Field Card Report	\$ .25
		- for up to five comparable properties (per copy)	
		Commercial/Industrial/Apartment Field	
		Card Report (per copy)	\$ 2.00
		Certified Card Report	\$ 3.00
(10) Domestic Partnership	120	Registration	\$ 30.00
(11) Certified copy of various documents		To certify documents i.e. resolutions, ordinances, minutes, registration forms, etc. on file (per copy)	\$ 5.00
(12) Vacant Building Registration Fee	925	Single Family Home or Duplex - Vacant less than one Year	\$ 100.00
		Single Family Home or Duplex - Vacant one Year or longer	\$ 200.00
		Any other type of property of less than 20,000 square feet in building size AND less than 1 acres of lot size -	\$ 500.00

		Vacant less than one Year	
		Any other type of property of less than 20,000 square feet in building size AND less than 1 acres of lot size - Vacant one Year or longer	\$ 1,000.00
		Any other type of property larger than 20,000 square feet in building size OR more than 1 acres of lot size - Vacant less than one Year	\$ 1,250.00
		Any other type of property larger than 20,000 square feet in building size OR more than 1 acres of lot size - Vacant one year or longer	\$ 2,500.00

#### **Section 12. - Room and Park Shelter Rental Fees.**

LOCATION	DESCRIPTION	FEE CLASSIFICATION	FEE
Richfield Municipal Center	Bartholomew Room	Civic and non-profit groups and governmental agencies	\$ 75.00/Hr (2-hour minimum)
		Resident groups	\$ 100.00/Hr (2-hour minimum)
		Non-Resident and other groups	\$500.00/4-hour block
Richfield Municipal Center	Heredia Room	Civic and non-profit groups and governmental agencies	\$ 65.00/Hr (2-hour minimum)
		Resident groups	\$ 80.00/Hr (2-hour minimum)
		Non-Resident and other groups	\$400.00/4-hour block

Richfield Municipal Center	Fred Babcock Room	Civic and non-profit groups and governmental agencies	\$ 65.00/Hr (2-hour minimum)
		Resident groups	\$ 80.00/Hr (2-hour minimum)
Richfield Community Center	Augsburg Room Fireside Room Nicollet Room Ruth Johnson Room	Non-Profit	\$ 34.00/Hr
		Resident Private	\$ 44.00/Hr
		Non-Resident: Private	\$ 49.00/Hr
	Combined Nicollet/Augsburg or Richfield Room	Non-Profit	\$ 58.00/Hr
		Resident: Private	\$ 71.00/Hr
		Non-Resident: Private	\$ 81.00/Hr
	Kitchen	All Renters	\$ 29.00/booking Free with combined Nicollet/Augsburg room rental
Wood Lake Nature Center	Auditorium	Non-Profit	\$ 34.00/Hr
		Resident: Private	\$ 44.00/Hr
		Non-Resident: Private	\$ 49.00/Hr
	Emily Day Pavilion	Resident	\$107.20/4-hour block
		Non-Resident	\$ 111.86/4-hour block
Augsburg Park Christian Park Donaldson Park-East Jefferson Park Madison Park	Park Buildings (depending on availability)	Resident	\$ 24.24/Hr
		Non-Resident	\$ 28.90/Hr

Taft Park-North & South Washington Park			
Fairwood Park Monroe Park Augsburg Park	Open Picnic Shelters	Resident  Non-Resident	\$ 35.42/4-hour block  \$ 40.08/4-hour block
Sheridan Park	Open Picnic Shelter	Resident  Non-Resident	\$107.20/4-hour block  \$111.86/4-hour block
Veterans Park	Open Picnic Shelter  Monday – Thursday Rates	Resident Day: 4-Hour Block   Resident Evening: 3-Hour Block   Non-Resident Day: 4-Hour Block   Non-Resident Evening: 3-Hour Block	1 Section: \$115.00 2 Sections: \$190.00 3 Sections: \$260.00  1 Section: \$85.00 2 Sections: \$145.00 3 Sections: \$195.00  1 Section: \$120.00 2 Sections: \$195.00 3 Sections: \$265.00  1 Section: \$90.00 2 Sections: \$150.00 3 Sections: \$200.00
Veterans Park	Open Picnic Shelter  Weekend Rates	Resident Day: 4-Hour Block   Resident Evening: 3-Hour Block   Non-Resident Day: 4-	1 Section: \$120.00 2 Sections: \$195.00 3 Sections: \$265.00  1 Section: \$90.00 2 Sections: \$150.00 3 Sections: \$200.00  1 Section: \$125.00

		Hour Block	2 Sections: \$200.00 3 Sections: \$270.00
		Non-Resident Evening: 3-Hour Block	1 Section: \$95.00 2 Sections: \$155.00 3 Sections: \$205.00
Athletic Fields	Premium Baseball Fields	Donaldson, Roosevelt Resident Non-Resident	\$ 41.00/hr \$200.00/day (first 8 hrs) \$ 61.00/hr \$300.00/day (first 8 hrs)
	Premium Softball Fields	Lincoln, Taft Resident Non-Resident	\$ 22.00/hr \$110.00/day (first 8 hrs) \$ 32.00/hr \$160.00/day (first 8 hrs)
	General Baseball/Softball Fields	All other baseball/softball fields Resident Non-Resident	\$ 16.00/hr \$80.00/day (first 8 hrs) \$ 32.00/hr \$160.00/day (first 8 hrs)
	Soccer/Football Fields	Christian, Donaldson, Taft, Washington Resident Non-Resident	\$ 48.00/hr \$260.00/day (6 hrs max) \$ 70.00/hr \$370.00/day (6 hrs max)
Broomball/Hockey Rink	All broomball/hockey rinks	Resident Non-Resident	\$ 15.00/hr \$ 17.00/hr
Tennis Courts	All parks	Resident	\$ 5.00/court/hr

		Non-Resident	\$ 6.00/court/hr
Open Space	All parks	Resident	\$ 15.00/hr
		Non-Resident	\$ 18.00/hr
Athletic Facility Light Use	Softball field, baseball field, soccer field, football field, hockey rink, tennis complex	All renters	\$ 27.00/hr

Passed by the City Council of the City of Richfield this 8<sup>th</sup> day of December, 2015.

\_\_\_\_\_  
Debbie Goettel

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose

\_\_\_\_\_  
City Clerk